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A Theory of “Crying Wolf”:
The Economics of Money Laundering
Enforcement

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Western Hemisphere Department

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Abstract

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The paper shows how excessive reporting, called "crying wolf", can dilute the information value of reports. Excessive reporting is investigated by undertaking the first formal analysis of money laundering enforcement. Banks monitor transactions and report suspicious activity to government agencies, which use these reports to identify investigation targets. Banks face fines should they fail to report money laundering. However, excessive fines force banks to report transactions which are less suspicious. The empirical evidence is shown to be consistent with the model's predictions. The model is used to suggest implementable corrective policy measures, such as decreasing fines and introducing reporting fees.

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I. INTRODUCTION

Money laundering gained notoriety: The FBI (2001) estimates money laundering volumes up to \$1,500 billion. Furthermore, terrorists have joined the ranks of money launderers increasing national security concerns. Responding to that, law enforcement agencies paid increasing attention to money laundering offenses. Most importantly, they required banks to report and identify suspicious activities, and threatened with fines if they fail to do so. Banks responded by exploding the number of reports, and many times they report innocent activities. The Wall Street Journal (2004a), for example, covers the case of the falsely reported former presidential candidate and Senate majority leader Bob Dole. The question of the paper is: Is this reporting system efficient? And if not, how could it be made more efficient?

The paper shows formally how excessive reporting in this situation fails to identify what is truly important by diluting the information value of reports. The intuition can be best understood through an analogy with the tale: “The boy who cried wolf”. In the tale, the boy cried wolf so often, that his cries became meaningless. Similarly, excessive reporting, which will be referred to as “crying wolf”, fails to identify what is truly relevant. This crying wolf problem will be shown to be relevant in other economic situations, such as product information and auditing as well. More generally, the model shows that information is not only data, but also able and expert identification of truly important data.

The reporting problem is investigated through the first formal analysis of money laundering enforcement. Choosing money laundering enforcement as the leading example is motivated by the fact that the identification role of reports is particularly strong. Furthermore, money laundering is an economically significant crime. Several hundred billion dollars are washed through the financial sector in the United States, and money laundering facilitates crimes as harmful as drug trafficking and terrorism, as detailed in the next section.

The model explores the agency problem between the bank and government law enforcement agencies. The bank monitors transactions and reports suspicious activity to the government, which identifies targets for investigations based on these reports. The bank undertakes costly monitoring and reporting, because the government fines it if money laundering is successfully prosecuted and the bank did not report the transaction. Though Masciandaro (1999) abstracted from this agency problem in the first economic analysis of money laundering, it is crucial as the later survey by Masciandaro and Filotti (2001) shows.

The formal model builds on five main economic building blocks. First, communication is coarse between the bank and the government, as the bank cannot communicate in a short report all the local information it has. This communication problem is similar in spirit to the information hardening problem in Stein (2002), though here the problem is not with verifying the information, but rather with telling it precisely. Second, the bank’s incentives to report are coarse; the bank is fined only for false negatives, i.e. for not reporting transactions which are prosecuted later as money laundering. Third, the bank is always uncertain about the transaction’s true nature, i.e. every transaction can be potential money laundering. Fourth, the bank faces dual tasks: it has to

monitor all transactions in order to report the suspicious ones. Fifth, the bank's information, i.e. its signal on the transaction, is not verifiable ex-post, because the local information at the time of the judgment cannot be reproduced later.

The model shows that harmful excessive reporting, called crying wolf, can arise in this setup. As the bank cannot share its signal with the government, the government must make decisions based on whether or not it observes the report. Intuitively, if the bank identifies all transactions as suspicious, then it fails to identify any one of them - exactly as if it would not have identified a single one. Thus, crying wolf can fully eliminate the information value of reports. Crying wolf can arise because excessively high fines for false negatives force the uncertain bank to err on the safe side and report transactions which are less suspicious. In the extreme case the bank is forced to report all transactions, thereby fully diluting the information value of reports.

The paper shows that the model's findings are consistent with the available empirical evidence in the United States. Fines have increased in the last ten years, especially so after the USA Patriot Act. In response, banks have reported an increasing number of transactions. However, the number of money laundering prosecutions has fallen - even though the estimates of money laundering volumes have been stable. Furthermore, regulatory agencies have identified 'defensive filing' which exhibits striking similarities with what happens under crying wolf.

The model also provides implementable policy implications on how to stop crying wolf and thereby increase the efficiency of money laundering enforcement. First, the model calls for reduced fines to cease crying wolf, as optimal and not maximal fines are needed. The bank needs some fines in order to monitor and report, but excessively strong ones result in crying wolf. The intuition behind deviating from Becker's (1968) seminal proposal of maximal deterrence is that banks are not criminals, but rather honest informants. Thus, excessively strong incentives do not deter banks from committing a crime, but rather distort their information provision.

Second, reporting fees might be needed to elicit optimal reporting. As in Holmström and Milgrom (1991), single dimensional incentives might not be able to elicit efficient two-dimensional banking effort to monitor and report. Reporting fees provide an implementable second dimension of incentives by punishing the bank for false positives. Furthermore, reporting fees can be thought of as pricing reporting externalities. Each report dilutes the value of all other reports, and reporting fees would make banks internalize these externalities.

Third, the model's most important comparative static result shows that fines should decline in the harm caused by money laundering. The intuition is that the bank's effective incentives have two components: government investigation to identify false negatives and nominal fines. As money laundering becomes more harmful, optimal government investigation increases as the marginal benefit of prosecuting money laundering increases. However, the bank's incentives should be constant so as not to trigger crying wolf. Thus, the model shows that the fine increase of the USA Patriot Act, which reacted to the new threat of terrorism and terrorism financing, could have been intuitive, but mistaken measure.

As it was argued earlier, crying wolf is a general economic problem. The main economic building blocks identified in money laundering enforcement can be found in many other situations. For instance, product information provision is very similar to suspicious activity reporting. Firms must use their expertise to identify the most relevant dangers related to using their product. There, coarse incentives are provided by the legal structure: omissions of warnings can result in damages and following lawsuits. False positives have no such easily identifiable victims. However, there is a real damage from crying wolf, because information is lost, as customers disregard warnings and accept contracts without reading the fine print.

The agency setup of the model is very similar to that of the auditing problems analyzed first in Tirole (1986). The government uses both auditors and banks to obtain information about their clients. More precisely, the government is interested in learning if there are problems such as accounting omissions or signs of money laundering. Naturally, both auditors and banks are reluctant to provide such negative information, which creates an agency problem. These similarities in the agency setup allow building on the Kofman and Lawarrée (1993) auditing model in setting up the action set. A major difference from the crying wolf problem is, however, that the auditing literature focused on the disclosure of verifiable or certifiable information as reviewed in Verrecchia (2001).

The model's focus on coarse communication of unverifiable information is particularly relevant to investigate the increased role of auditors after the Sarbanes-Oxley Act. Auditors are not only supposed to disclose verifiable information, but they also have to identify material transactions, i.e. transactions that fundamentally affect the firm's value. Identifying material transactions is very similar to identifying suspicious activities, because in both cases unverifiable and uncertain information is identified through coarse communication. Furthermore, auditors are also sanctioned for false negatives, i.e. for not disclosing transactions which later substantially affect the firm's value. Thus, excessive fines might make auditors report more transactions as material, thereby failing to identify the truly important ones. Lengthening auditing reports and firm disclosures, documented in Gordon (2005), might well signal crying wolf.

The model can be extended to various other settings. The model questions the understanding in corporate finance that more disclosure is always better, which could be tested empirically following La Porta et al. (2006). A particularly interesting application of the crying wolf problem can arise in intelligence settings following the research started in Garicano and Posner (2005).

The rest of the paper is organized as follows. Section 2 details how money laundering enforcement works. Section 3 sets up the model. Section 4 solves the model and demonstrates crying wolf. Section 5 analyzes comparative statics. Section 6 links the model to available empirical evidence. Section 7 discusses the policy implications and other contexts where the model could be used. Section 8 concludes. The appendix details most proofs and formal extensions such as numerical estimation of a non-linear version of the model.

II. MONEY LAUNDERING ENFORCEMENT

Money laundering is defined as an illicit money transfer. There are two main kinds of illicit money transfers. First, traditional money laundering entails transferring illegally obtained funds to conceal their origins and make them appear legal. For example, drug dealers deposit cash revenues in banks and later transfer them until the funds appear to originate from legitimate sources. Second, terrorism financing entails transferring mostly legal funds for illegal purposes. For instance, legal charity donations are transferred to fund terrorist attacks. In sum, both forms of money laundering are characterized by illicit and socially harmful fund transfers. Money laundering causes social harm because it facilitates crime and enables criminals to enjoy criminal revenues.

Money laundering can happen through various intermediaries. Bank transfers, both by wire and check, are the most common channels for illicit money transfers as described in Reuter and Truman (2004). Money transmitting businesses, such as Western Union, are also used for money laundering as detailed in The Wall Street Journal (2004b). These businesses are typically franchised or owned by individuals, who might have stronger incentives to turn a blind eye to money laundering than bank branch-managers. In the greyer area of finance, informal value transfer systems (IVTSs) provide money transmitting services usually without a proper paper trail. The *hawala* or *hindi* systems used by different ethnic communities are described, for instance, in El-Qorchi (2002).

Money laundering is an economically significant crime, though precise estimates are hard to obtain. According to Camdessus (1998), the consensus range of money laundering volume is between 2 and 5 percent of the global GDP. The FBI (2001) estimates the volume of globally laundered funds as falling between \$600 billion and \$1.5 trillion. Laundering fees, i.e. what money launderers charge their criminal clients, are estimated at 5-15% of the laundered amount according to Lal (2003) and Reuter and Truman (2004). Thus, money laundering, including self-laundering, is estimated to be a \$30 to \$225 billion global 'industry'. Moreover, the harm caused for instance by terrorism financing shows that money laundering is potentially even more significant than what volumes and laundering revenues would suggest.

Money laundering enforcement is particularly relevant for the United States.¹ According to some lawmakers' estimates, half of the globally laundered funds are transferred through US Banks (FBI, 2001). Three known money laundering cases highlight the point. First, \$7 billion of Russian funds were washed through the Bank of New York until 1999 (Reuter and Truman, 2004).

¹Responding to the threat of money laundering, the United States has developed one of the strongest anti-money laundering regulation. The Banking Secrecy Act (1970), which in fact curbed banking secrecy to fight money laundering, was followed by a series of laws, each one of them further strengthening money laundering enforcement: The Money Laundering Control Act (1986), the Annunzio-Wylie Money Laundering Act (1992), the Money Laundering Suppression Act (1994), The Money Laundering and Financial Crimes Strategy Act (1998) and finally the USA Patriot Act (2001).

Second, Stephen Saccoccia alone laundered up to \$550 million of drug money for both the Cali and Medellin cartels until he was prosecuted in 1993 (Reuter and Truman, 2004). Third, terrorists transferred \$0.5 million for the 9/11 attack (9/11 Commission Report, 2004). The examples also show that the volumes involved in laundering proceedings of tax evasion and drug trafficking are enormous compared to terrorism financing.

Money laundering enforcement relies on bank reporting to law enforcement and government agencies as reviewed in Reuter and Truman (2004). Banks provide two kinds of reports: rule-based and discretionary reports. For instance, banks file the rule-based currency transaction report (CTR) for any cash transactions exceeding \$10,000. Enforcing rule-based reporting is a standard disclosure problem as bank actions are ex-post verifiable. They are, however, insufficient, because money launderers are aware of the rules and can circumvent them. For instance, money launderers usually ‘smurf’, i.e. break down large cash deposits over \$10,000 into smaller deposits below the reporting threshold. Nevertheless, rule-based reporting makes money laundering more cumbersome.

The weaknesses of rule-based reports led to the introduction of a discretionary report, the suspicious activity report (SAR), in 1996. The suspicious activity report is filed for any activity that the bank considers to be ‘suspicious’. For instance, if the bank spots several transactions just below \$10,000, it can identify them as suspicious because they hint at smurfing. The notion of suspicion is intentionally left vague so as to leave both money launderers and banks uncertain. Thus, money launderers cannot rely on simple rules to avoid being reported. Furthermore, banks are forced to constantly improve their understanding of how money laundering is done. This intentional vagueness can be understood as another form of constructive ambiguity. The SARs are filed to the Financial Crime Enforcement Network (FinCEN), which might forward them to law enforcement agencies for further investigation.

Banks incur costly screening, monitoring and reporting because of the threat of sanctions.² Failing to file SARs led to fines of \$25 million for Riggs Bank (FinCEN, 2004a), \$24 million for Arab Bank (FinCEN, 2005f), \$50 million for AmSouth Bank (FinCEN, 2004b) and \$80 million for ABN-AMRO Bank (FinCEN, 2005g). Most importantly, sanctions or fines are levied for false negatives, i.e. for not reporting transactions which are later prosecuted as money laundering or judged to be suspicious ex-post.³ Banks are not fined for false positives, i.e. for reporting legal transactions as money laundering. This ‘safe harbor’ provision strengthens banks incentive to report.

²Sanctions include nominal fines (civil money penalties), the costs of public law enforcement actions (cease and desist orders or written agreements), the costs of private law enforcement actions (memoranda of understanding), and also implicit reputation costs.

³Regulatory language is somewhat different: banks are fined if suspicious activity detection and reporting procedures are not in place. Yet, the test of these policies is whether banks are able to identify and report those transactions which are considered to be suspicious ex-post.

III. MODEL SETUP

The model explicitly investigates the agency problem between the government and the bank, where the government needs information from the bank to investigate the transaction which may or may not be money laundering. The setup is illustrated in Figure (1). If the bank monitors the

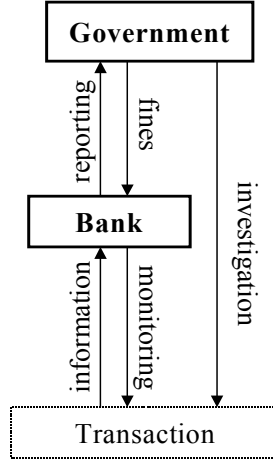


Figure 1: Model scheme

transaction, then it receives information, a signal about the transaction. The informed bank, which has received the signal is able to inform the government by filing a suspicious activity report. The government provides incentives, by means of fines, for the bank to monitor and report suspicious transactions.

A. Economy and Players

The economy of the model consists of a single money transfer. The transaction is either money laundering or a legitimate transfer. The prior probability that the transaction is money laundering is $\alpha \in (0, 1/2)$. Money laundering causes harm ($h > 0$) to society.⁴

Two players are modeled explicitly: the government and the bank, who form a principal-agent relationship. Both players are risk neutral. The bank maximizes private profit and the government maximizes social welfare.

The costs of monitoring and reporting, which are defined formally later, decrease the bank's private profit. The profit is naturally decreased by the fine (F). The transaction fee charged to the user and the bank's cost of undertaking the transaction is normalized to zero. Hence, they do not

⁴Money laundering is a crime of facilitation, because it makes other crimes more lucrative, but it is not per se harmful. Hence, money laundering makes combating (and deterring) predicate crimes becomes costlier. This effect is summarized by harm parameter h . It is interesting to note, that the above implies that it is not evident for each and every economies that money laundering is harmful. For instance, money laundering linked to foreign predicate crimes in offshore centers is a potential example.

affect the bank's profit.

The harm caused by money laundering (h) decreases social welfare. However, prosecuting money laundering increases social welfare by ρh , where $\rho > 0$. Parameter ρ represents the recovery rate, the portion of harm prevented by the prosecution of money laundering. Utility ρh can be interpreted as a reduced form representation of utilities from asset seizure, deterring money laundering and predicate crime, and most importantly from preventing future crimes by intercepting the money flow. Naturally, prosecuting money laundering is more useful the more harmful money laundering is. Fines do not affect social welfare, as they represent simple transfers from the bank to the government. Finally, social welfare is decreased by government investigation costs and bank monitoring and reporting costs.

The agency problem arises because the bank does not internalize the social gains stemming from the prosecution of money laundering, ρh . Thus, to implement socially desirable policies (and to make the bank monitor and report), the government uses fines.

B. Timing

There are five periods in the model:

1. Nature selects the true nature of the transaction (legal or money laundering).
2. The bank exerts monitoring effort to learn the signal.
3. The informed bank, which has observed the signal, decides to report. (If the bank has not observed the signal, it can not report.)
4. The government observes the report and sets investigation effort.
5. The government fines the bank, if money laundering was prosecuted and the bank did not report the transaction.

C. Signal Structure

The bank might receive an informative signal (σ) about the transaction. The signal is assumed to be binary, and it takes either high (1) or low (0) value, $\sigma \in \{0, 1\}$. In case of money laundering, the signal takes the high value 1 with probability δ , and the low value 0 with probability $1 - \delta$. For the legal transaction, the signal takes the low value 0 with probability δ , and the high value 1 with probability $1 - \delta$. Under symmetry probability δ can be interpreted as the precision of the signal. The higher δ , the more likely that the high signal indicates money laundering, and the low signal indicates a legal transaction. The probabilities are summarized below:

	Money Laundering (α)	Legal Transaction ($1 - \alpha$)
Low Signal (0)	$1 - \delta$	δ
High Signal (1)	δ	$1 - \delta$

Probability δ is restricted to being more than one-half: $\delta \in (1/2, 1)$. This implies that money

laundering is more likely to trigger the high signal, and legal transaction the low signal. Thus, observing a high signal implies that the transaction is more likely to be money laundering.

The posterior probabilities of money laundering can be determined through straightforward Bayesian updating. The posterior probabilities, β_0 and β_1 denote, respectively, the likelihood of money laundering given that the signal is low (β_0) or high (β_1).

$$\begin{aligned}\beta_0 &= \Pr(\text{ML}|\sigma = 0) = \frac{\alpha(1 - \delta)}{\alpha + \delta - 2\alpha\delta} \\ \beta_1 &= \Pr(\text{ML}|\sigma = 1) = \frac{\alpha\delta}{1 - \alpha - \delta + 2\alpha\delta} > \beta_0\end{aligned}$$

D. Action Sets

The government investigates transactions and fines the bank. The investigation effort (I) exerted by the government determines the probability that the government discovers the truth about the transaction, i.e. whether the transaction is legal or money laundering. Uncovered money laundering is prosecuted. As investigation effort I represents a probability, the government's effort choice is naturally constrained to the unit interval. The investigation effort is costly, and it is assumed to be quadratic in the investigation effort with parameter $k > 0$: kI^2 . Furthermore, the government can condition its investigation effort only upon receipt of the bank's report. The investigation effort chosen given no reporting is indexed as I_0 , the investigation effort given reporting is indexed as I_1 . The government is able to commit to equilibrium, best response investigation actions. Thus, when multiple equilibria are possible the state can implement the equilibrium with the highest social welfare.

The government also imposes fines ($F \geq 0$) on the bank. As discussed earlier, fines are socially costless to impose, as fines represent welfare transfers from the bank to the government. The government imposes fines if the bank does not report the transaction, which is later prosecuted as money laundering. The government is able to commit to levying preset fines. In sum, the action set of the government has three elements: $(I_0, I_1, F) \in ([0, 1]^2 \times [0, \infty))$.

The bank monitors the transaction and reports to the government. Bank monitoring effort (M) is assumed to be binary, and it takes either high ($M = 1$) or low values ($M = 0$), thus $M \in \{0, 1\}$. The monitoring effort determines - as in Kofman and Lawarrée (1993) - the probability that the bank receives its signal (σ).⁵ Thus, with high effort the bank always observes the signal, whereas with low effort it never observes the signal. The bank's monitoring cost for high effort ($M = 1$) is normalized to $m > 0$ and for low effort ($M = 0$) to zero.

⁵In a more general model proposed in the appendix, monitoring is handled as a probability taking values on the $[0, 1]$ interval. In the simpler setting proposed here, it can be viewed as a lump-sum investment.

If the bank did not receive the signal, it cannot report.⁶ If the bank received the signal, it decides on reporting based on the signal. Action R_0 denotes the bank's filing decision if the observed signal is low (0). If the bank reports after observing the low signal, then $R_0 = 1$, or else $R_0 = 0$. Similarly, after observing the high signal, the bank either reports ($R_1 = 1$) or does not report ($R_1 = 0$). The bank incurs cost $c > 0$ by reporting.⁷ Thus, the action set of the bank has three elements: $(M, R_0, R_1) \in (\{0, 1\}^3)$.

E. Final Assumptions

Four assumptions finalize the problem setup. First, the solution focuses on pure strategy subgame perfect Nash equilibria in order to ease interpretation. Second, it is assumed that parameters are such that in the first best equilibrium, when the agency problem is abstracted away, the bank monitors and reports. This assumption is consistent with the basic premise behind the money laundering enforcement regime, i.e. banks need to monitor their clients. The necessary and sufficient parameter restrictions for the second assumption are:⁸

$$\frac{[\alpha(1-\delta)\rho h]^2}{4k(\alpha+\delta-2\alpha\delta)} + \frac{(\alpha\delta\rho h)^2}{4k(1-\alpha-\delta+2\alpha\delta)} - \frac{(\alpha\rho h)^2}{4k} > (\alpha+\delta-2\alpha\delta)c + m \quad (1)$$

The parameter restriction implies that bank monitoring and reporting (right hand side) is relatively cheap compared to the gains derived from prosecuting money laundering (left hand side).

Third, it is assumed that government investigation is sufficiently costly to ensure interior investigation solutions. The formal parameter restriction is:

$$\frac{\alpha\delta\rho h}{2(1-\alpha-\delta+2\alpha\delta)} < k \quad (2)$$

In other words, restriction (2) implies that the government never sets first best investigation to unity. The reason for this is that investigation is so costly, that some uncertainty in prosecution is preferred to spending the resources required to establish the truth with certainty.

Finally, for tie-breaking it is assumed that whenever they are indifferent, both players take actions which are better for the other player. This can be interpreted as a weak understanding of common goals.

⁶The assumption relies on the empirical fact that banks need to provide detailed information in order to file the three page SAR.

⁷According to FinCEN completing a SAR filing takes between 1/2 and 3 hours for a compliance officer.

⁸Both equation (1) and (2) follow from the proof of Proposition (5) in the Appendix.

IV. SOLVING THE MODEL

The model is solved in four steps. The first subsection rewrites the model in an equivalent form, which eases the exposition. The second subsection derives the benchmark first best equilibrium. The third subsection characterizes second best equilibria, where the bank's incentive problem is analyzed. The fourth one analyzes the second best game under exogenously set fines. Most importantly, this subsection demonstrates the crying wolf problem. Namely, that excessively high fines trigger excessive reporting, which dilutes information and hinders money laundering prosecutions.

A. Equivalent Problem

The bank's action set can be rewritten as (M, T) , where $T \in \{0, 1\}$ is a reporting threshold, instead of (M, R_0, R_1) .⁹ The bank reports all signals weakly higher than T , and does not report signals below it. This rewriting of the actions set, however, excludes the $(R_0 = 1, R_1 = 0)$ action pair, while allowing for all other combinations. Thus, it has to be shown that the $(R_0 = 1, R_1 = 0)$ action pair can be excluded without loss of generality both from the first best and second best equilibria.

In the first best equilibrium social welfare is maximized while the bank's incentive considerations are abstracted away. Consequently, in the maximization and government investigation setting only the signal's information content matters. Reporting only the low signal and not the high signal $(R_0 = 1, R_1 = 0)$ provides the same information as reporting only the high signal and not the low signal $(R_0 = 0, R_1 = 1)$. However, as money laundering is rare and the signals are sufficiently precise, the low signal is more likely. Thus, reporting the low signal and not reporting the high signal is more expensive, and therefore this reverse reporting cannot be part of a first best equilibrium. The reasoning is formalized in Lemma (1).

Lemma 1 *The $(R_0 = 1, R_1 = 0)$ action pair does not arise in the first best equilibrium.*

Proof. Follows from the discussion above. To see that the low signal is more likely:

$$\Pr(\sigma = 1) = 1 - \alpha - \delta + 2\alpha\delta < \alpha + \delta - 2\alpha\delta = \Pr(\sigma = 0)$$

It is equivalent with

$$1/2 < (1 - \alpha)\delta + \alpha(1 - \delta)$$

which directly follows from $0 < \alpha < 1/2 < \delta < 1$. ■

In second best equilibria, the social welfare maximization is constrained by incentive considerations. The bank is motivated to report because, absent reporting, it might get fined.

⁹Notice that constraining $T \in \{0, 1\}$ is without the loss of generality. Allowing for $T \in [0, 1]$ would produce exactly the same equilibrium reporting thresholds, i.e. either zero or one.

Thus, whenever the expected fine is higher than the reporting cost, the bank reports. However, the expected fine depends on the likelihood of money laundering. Thus, if the bank reports given the low signal (when the probability of laundering is low), then it should also report under the high signal (when the probability of laundering is high). Lemma (2) shows formally that the $(R_0 = 1, R_1 = 0)$ pair can be excluded from the second best equilibrium without loss of generality.

Lemma 2 *In second best equilibria, the $(R_0 = 1, R_1 = 0)$ action pair does not arise, if in equilibrium $M = 1$. Furthermore, if in equilibrium $M = 0$, then the $(R_0 = 1, R_1 = 0)$ action pair can be replaced with any other action pair without loss of generality.*

Lemmas (1) and (2) allow for rewriting the problem as formalized in Corollary (1).

Corollary 1 *The action set of the bank can be rewritten as (M, T) , where $T \in \{0, 1\}$ is a reporting threshold. The bank reports, if $\sigma \geq T$, and does not report, if $\sigma < T$.*

Proof. Follows from Lemmas (1) and (2) and noticing that except for $(R_0 = 1, R_1 = 0)$ the new action set can replicate all actions of the original action set. ■

Next, using the equivalent action set six probability shortcuts are introduced. These probabilities will be used to present the model in a concise form. The probability notations conditional on reporting threshold T are summarized below:

p_T	probability of reporting
q_{0T}	probability of money laundering given no reporting
q_{1T}	probability of money laundering given reporting

The probability that the informed bank reports is denoted by p_T where $T \in \{0, 1\}$. If $T = 0$, then the informed bank reports all signals, and thus $p_0 = 1$. If $T = 1$, then the bank only reports the high signal, thus $p_1 = 1 - \alpha - \delta + 2\alpha\delta$.

The probability of money laundering conditional on reporting is denoted by q_{1T} and conditional on no reporting by q_{0T} . The probabilities depend on the reporting threshold T . Unit value of reporting threshold ($T = 1$) implies that the report perfectly conveys the bank's signal. This would mean that the fact of reporting implies that the signal is high, thus $q_{11} = \beta_1$. Similarly, no reporting implies that the signal is low, consequently $q_{01} = \beta_0$. However, zero reporting threshold ($T = 0$) renders reporting uninformative. Thus, the probability of money laundering is the same with or without the report, and equals the unconditional probability $q_{10} = q_{00} = \alpha$.

B. First Best Benchmark

The first best case, when the bank's incentive problem is abstracted away, is investigated first. Using the equivalent problem and the probability shorthands derived before, the first best problem can be set as a social welfare (W) maximization problem:

$$\begin{aligned} \max_{I_0, I_1, F, M, T} W = & M [(1 - p_T) (q_{0T} I_0 \rho h - k I_0^2) + p_T (q_{1T} I_1 \rho h - k I_1^2 - c) - m] \\ & + (1 - M) [\alpha I_0 \rho h - k I_0^2] - \alpha h \end{aligned} \quad (3)$$

Interpreting equation (3) is straightforward. The first term shows welfare, when the bank is informed, which happens with probability M . The informed bank, however, does not report with probability $(1 - p_T)$. In this case the probability that the transaction is money laundering is q_{0T} . Money laundering is prosecuted then with probability I_0 , which yields utility ρh . The government's investigation cost is $k I_0^2$. The informed bank reports with probability p_T . Then the probability that the transaction is money laundering is q_{1T} and money laundering is prosecuted with probability I_1 . The government's investigation cost is $k I_1^2$ and the bank incurs reporting cost c . Finally, the bank has to incur cost m to be informed.

The second term depicts welfare when the bank is uninformed, which happens with probability $(1 - M)$. Then the probability that the transaction is money laundering is the unconditional probability α . Money laundering is prosecuted with probability I_0 . The government's investigation cost is $k I_0^2$. The third and last term summarizes the social losses (h) stemming from money laundering, which happens with probability α .

Equation (3) immediately shows two properties of the first best problem. First, if there is no money laundering enforcement regime in place, i.e. the bank does not monitor or report and the government does not investigate, then social welfare is $-\alpha h$. Second, in the first best problem redistributive fines (F) do not play any role.

The first best solution can be determined in an intuitive manner by focusing on the limited number of bank actions. The government investigation best responses to these bank actions can be determined straightforwardly. Furthermore, these government best responses allow easy quantification of the welfare resulting from each bank action pair. The bank action pair ($M = 1, T = 0$) can be immediately excluded as it cannot be the first best equilibrium. Under this action pair the bank provides useless information (reports all signals) at a positive monitoring (m) and reporting (c) cost. Welfare could be trivially improved by not reporting and not monitoring.

This leaves two possible first best equilibria. First, the equilibrium where the bank does not monitor ($M = 0$) and does not provide any information to the government ($T \in \{0, 1\}$). Note that, if the bank is uninformed, then the reporting threshold choice is irrelevant, because the bank never reports. Second, the bank monitors ($M = 1$) and reports only with high threshold ($T = 1$). However, the parameter restriction set in equation (1) implies that the equilibrium with bank monitoring and high reporting threshold provides higher social welfare. Thus, it is the unique pure

strategy first best equilibrium. Proposition (5) formalizes the argument.

Proposition 1 *In the first best equilibrium, given condition (1) the bank monitors ($M = 1$) and reports only the suspicious, high signal transaction ($T = 1$). The government's best responses conditional on no reporting (I_0^*) and reporting (I_1^*) are determined in terms of parameters in the following:*

$$I_0^* = \frac{q_{01}\rho h}{2k} = \frac{\alpha(1-\delta)\rho h}{2k(\alpha + \delta - 2\alpha\delta)} < I_1^* \quad (4)$$

$$I_1^* = \frac{q_{11}\rho h}{2k} = \frac{\alpha\delta\rho h}{2k(1 - \alpha - \delta + 2\alpha\delta)} < 1 \quad (5)$$

The government does not levy fines ($F = 0$) in the first best equilibrium.

Finally, in order to ease further discussion, equilibria which implement the first best welfare and actions are defined formally.

Definition 1 (First Best equilibrium) *The equilibrium which implements the first best social welfare (denoted as W^*) and actions derived in Proposition (5), except for fines, is called First Best equilibrium with fine F .*

C. Second Best

In the second best problem, the government aims to maximize social welfare as in the first best problem (3) subject to the bank's profit maximization (6) and (7):

$$\Pi(M, T, I_0, I_1) = -M[(1 - p_T)q_{0T}I_0F + p_Tc + m] - (1 - M)\alpha I_0F \quad (6)$$

$$IC \quad \{M, T\} = \arg \max \Pi(M, T, I_0, I_1) \quad (7)$$

Banking profit (Π) shown in equation (6) has two main terms. First, the bank is informed with probability M . The informed bank does not report with probability $(1 - p_T)$, however, in this case the transaction might still be money laundering with probability q_{0T} . The government uncovers money laundering with probability I_0 , and fines the bank with F . The bank reports with probability p_T at filing cost c . Finally, in order to be informed, the bank incurs monitoring cost m .

Second, the bank is uninformed with probability $(1 - M)$, and then it cannot report. The transaction is money laundering with probability α , and the government prosecutes money laundering with probability I_0 , thereby fining the bank with F .

Obviously, the government prefers to implement the First Best equilibrium, which requires actions ($M = 1, T = 1, I_0 = I_0^*, I_1 = I_1^*$). The problem with implementing the first best actions is that incentive compatibility requires both weak and strong fines. On the one hand, fines should be high enough that the bank would not deviate to no monitoring ($M = 0$). On the other hand, fines should be sufficiently low that the bank would not deviate and report all signals ($T = 0$). If fines

are set sufficiently low and high, then the first best is implemented, because the government can commit to First Best equilibrium investigations. Lemma (7) summarizes the results.

Lemma 3 *The First Best equilibrium can be implemented with fines on the $[F^*, F^{**}]$ interval, only if $F^* \leq F^{**}$, where*

$$F^* \equiv 2k(\alpha + \delta - 2\alpha\delta) \frac{(1 - \alpha - \delta + 2\alpha\delta)c + m}{\alpha^2\delta(1 - \delta)\rho h}$$

$$F^{**} \equiv \frac{2kc(\alpha + \delta - 2\alpha\delta)^2}{[\alpha(1 - \delta)]^2 \rho h}$$

Proof. The first best welfare level is implemented by equilibrium actions ($M = 1, T = 1, I_0 = I_0^*, I_1 = I_1^*$). These actions are implementable in the second best, if they are incentive compatible and maximize the bank's profit. Formally:

$$\begin{array}{l} IC_1 \\ IC_2 \end{array} \quad \begin{array}{l} \Pi(M = 0, T \in \{0, 1\}, I_0 = I_0^*, I_1 = I_1^*) \leq \Pi(M = 1, T = 1, I_0 = I_0^*, I_1 = I_1^*) \\ \Pi(M = 1, T = 0, I_0 = I_0^*, I_1 = I_1^*) \leq \Pi(M = 1, T = 1, I_0 = I_0^*, I_1 = I_1^*) \end{array}$$

Starting with IC_1 :

$$-\alpha I_0^* F \leq -(1 - p_1) q_{01} I_0^* F - p_1 c - m$$

$$F^* \equiv \frac{p_1 c + m}{\underbrace{(\alpha - (1 - p_1) q_{01}) I_0^*}_{\alpha\delta}} = 2k(\alpha + \delta - 2\alpha\delta) \frac{(1 - \alpha - \delta + 2\alpha\delta)c + m}{\alpha^2\delta(1 - \delta)\rho h} \leq F$$

Then IC_2 :

$$-c - m \leq -(1 - p_1) q_{01} I_0^* F - p_1 c - m$$

$$F \leq \frac{c}{q_{01} I_0^*} = \frac{2kc(\alpha + \delta - 2\alpha\delta)^2}{[\alpha(1 - \delta)]^2 \rho h} \equiv F^{**}$$

Finally, the First Best equilibrium is surely implemented with fines such that: $F^* \leq F \leq F^{**}$, because the government can commit to $(I_0 = I_0^*, I_1 = I_1^*)$ investigation levels. ■

Fines can be both sufficiently weak and strong if reporting is sufficiently costly (c) compared to monitoring costs (m). Intuitively, if reporting is overly cheap, then fines strong enough to make the bank monitor (and incur cost m) will also force them to report all the signals (at cost c). Thus, fines can take intermediate values if the monitoring costs are not too large compared to filing costs. The reasoning is formalized in Lemma (4).

Lemma 4 *The First Best equilibrium is implementable, if and only if reporting is sufficiently*

costly compared to bank monitoring

$$m \leq \frac{(1 - \alpha)(2\delta - 1)c}{(1 - \delta)} \quad (8)$$

Proof. Follows from Lemma (7) and noting that condition (8) is equivalent with $F^* \leq F^{**}$. ■

Lemma (4) is a simple result, but it has profound implications. It shows that the reporting cost penalizes for false negatives, and thus discourages the bank from crying wolf. Consequently, it provides one of the model's main policy insights, namely that increasing reporting costs might be crucial in implementing the First Best equilibrium. Reporting fees could raise the right hand side of condition (8) until the first best is implementable.

In order to ease the following discussion, note that all possible equilibria with zero bank monitoring ($M = 0$) share a number of properties and, most importantly, yield the same social welfare as summarized in Corollary (2).

Corollary 2 *All equilibria with no bank monitoring ($M = 0$) yield the same social welfare (W^{**}), and government investigation conditional on no reporting (I_0) is:*

$$I_0 = I^{**} \equiv \frac{\alpha \rho h}{2k}$$

*Bank reporting threshold and government investigation conditional on reporting are undetermined, $T \in \{0, 1\}$ and $I_1 \in [0, 1]$). Furthermore the resulting welfare (W^{**}) is lower than the First Best welfare: $W^{**} < W^*$.*

Proof. Follows from the proof of Proposition (5). ■

The equilibria characterized in Corollary (2) are called Second Best equilibria. The reason is that, as it will be proven in Proposition (2), one of these equilibria will prevail if the First Best is not implementable.

Definition 2 (Second Best equilibria) *Equilibria with no bank monitoring ($M = 0$) and implemented by fine F are called Second Best equilibria with fine F .*

Next, it is shown that Second Best equilibria indeed prevail if the First Best is not implementable. The intuitive reason is that, if the First Best is not implementable, then bank monitoring ($M = 1$) implies that the bank reports all signals ($T = 0$). However, if the SAR is filed irrespective of the signal, then it does not convey any information. Thus, the government rather implements no bank monitoring ($M = 0$) to save on effort costs. Furthermore, the government then sets fines to zero, as this maximizes the profit of the bank and does not change the social welfare function. Proposition (2) summarizes the results.

Proposition 2 *The First Best equilibrium is implementable (and it is implemented) with $F = F^*$, if condition (8) holds. Otherwise, Second Best equilibria are implemented with zero fines ($F = 0$).*

D. Second Best with Exogenous Fines

In this subsection the second best incentive compatible game is analyzed under exogenous fines. The question is asked: “How does fine setting affect the efficiency of the money laundering enforcement regime?” For the sake of tractability, this subsection focuses on the parameter setup where the first best is implementable, i.e. when inequality (8) holds. Equilibria for the parameter setup when the first best is not implementable are detailed in the appendix.

The equilibria under exogenous fine setting follow mostly from the characterization of the Second Best equilibria. First, as Lemma (7) shows, fines on the $[F^*, F^{**}]$ interval implement the First Best equilibrium. Second, the Second Best equilibria are implemented with low fines, when the bank prefers paying fines to exerting monitoring and reporting effort. Sufficiently low fines are set formally in Corollary (9).

Corollary 3 *Second best equilibria prevail if fines are sufficiently low: $F \leq F'$ where*

$$F' \equiv \min \left\{ 2k \frac{(1 - \alpha - \delta + 2\alpha\delta) c + m}{\alpha\delta\rho h}, \frac{2k (\alpha + \delta - 2\alpha\delta) (c + m)}{\alpha^2\rho h} \right\} \quad (9)$$

Third, if neither the First Best nor the Second Best equilibria can be implemented, then only one more pure strategy bank action pair remains: when the bank monitors ($M = 1$) and reports all transactions ($T = 0$). As it turns out, all equilibria in which the bank monitors and reports are characterized by the same social welfare and similar government investigation levels. Corollary (4) summarizes the result.

Corollary 4 *All equilibria in which the bank monitors ($M = 1$) and reports all transactions ($T = 0$) yield identical welfare (W^{***}). Moreover, in all such equilibria the government investigates, given reporting, with effort $I_1 = I^{**}$. Furthermore, the resulting welfare (W^{***}) is lower than that of Second Best equilibria: $W^{***} < W^{**} < W^*$*

Proof. The proof follows from the proof of Proposition (5). ■

The similarities among the equilibria entailing bank action ($M = 1, T = 0$) allow these equilibria to be called Third Best according to their welfare rank.

Definition 3 (Third Best equilibria) *The equilibria in which the bank monitors ($M = 1$) and reports all transactions ($T = 0$), and which are implemented with fines F and with no reporting investigation I_0 are called Third Best equilibria with F and I_0 .*

Third best equilibria are implemented by high fines. Intuitively, strong enough fines cause the bank not only to monitor, but also to report all signals. Lemma (5) formalizes the argument.

Lemma 5 *Sufficiently large fines $F \geq F^{**}$, implement the Third Best equilibria, if the First Best equilibrium is implementable. Then government investigations given no reporting are set larger than $I'_0(F)$, $I_0 \geq I'_0(F)$ where*

$$I'_0(F) \equiv \max \left\{ \frac{(\alpha + \delta - 2\alpha\delta)c}{\alpha\delta F}, \frac{c+m}{\alpha F} \right\}$$

Furthermore, $I'_0(F) < 1$ for $\forall F \geq F^{**}$.

The above results allow for characterizing the Second Best equilibria with exogenous fine setting. Proposition (3) summarizes the results of the subsection and characterizes the equilibria with exogenous fines.

Proposition 3 *Fines implement the following equilibria if the First Best equilibrium is implementable*

$$\begin{array}{ll} F \leq F' & \text{Second Best equilibria} \\ F^* \leq F \leq F^{**} & \text{First Best equilibrium} \\ F^{**} < F & \text{Third Best equilibria with } I_0 \geq I'_0(F) \end{array}$$

There is no pure strategy equilibrium with fines $F' < F < F^$.*

Proof. The proof follows directly from Lemma (7), Corollary (9) and Lemma (5). ■

Finally, there is no pure strategy equilibrium with fines in the (F', F^*) region. Fines which are too high for the second best are too low for the first best. The reason is that fines represent incentives only with government investigation conditional on no reporting. In Second Best equilibria investigation conditional on no reporting is higher than in the First Best equilibrium ($I_0^* > I^{**}$). Thus, fines which are too strong with high investigation (I_0^*), turn out to be too weak with low investigation (I^{**}).

Crying Wolf

Proposition (3) clearly shows that fines first increase, but later on decrease welfare. Moreover, very high fines lead to lower social welfare (W^{***}) than no fines at all (W^{**}).

This subsection shows that the effects are graver than a simple reduction in welfare. Even the prosecution rate, i.e. the probability that money laundering is prosecuted, decreases with excessive fines. Prosecution rates are the highest in the First Best equilibrium. However, the rate is the same in the Second and the Third Best equilibria. Intuitively, what matters for the success of government investigation is information supplied by the bank. However, reporting no transaction

or reporting all transactions is equally uninformative in identifying the most likely suspects. Lemma (6) formalizes the result.

Lemma 6 *Fines first increase and later decrease the likelihood that money laundering is prosecuted (χ) if the First Best equilibrium is implementable. The expected prosecution rate in the three possible equilibria is set as*

$$\begin{array}{lll}
 F \leq F' & \text{Second Best equilibria} & \chi^{**} = \alpha I^{**} \\
 F^* \leq F \leq F^{**} & \text{First Best equilibrium} & \chi^* = \alpha(1 - \delta)I_0^* + \alpha\delta I_1^* > \chi^{**} \\
 F^{**} < F & \text{Third Best equilibria with } I_0 \geq I'_0(F) & \chi^{**}
 \end{array}$$

Lemma (6) highlights the crying wolf problem. In the case of coarse communication, some scarcity of reporting is desirable. Providing more reports can be detrimental, because the additional reports dilute the value of existing ones. As shown in the model, if the bank reports all transactions, then the information value of the reports is eliminated. This dilution of information is called crying wolf and is defined formally below.

Definition 4 (Crying Wolf) *Crying wolf arises when excessive reporting dilutes the information value of reports. In the extreme case of crying wolf, reports become completely uninformative.*

Formally, the extreme version of crying wolf arises in the Third Best equilibria when the bank monitors, and also reports all transactions, as reports become completely uninformative.

Information Laffer Curve

The result of Lemma (6) can also be interpreted as the Information Laffer curve. Prosecutions can be drawn as a function of fines. Lemma (6) shows that the number of expected prosecutions first rises with fines, but eventually it falls back to the original low level. This is called the Information Laffer curve. The qualitative results are illustrated in Figure (2). In order to illustrate the workings of the model, the expected reporting figures are also charted as a function of fines.

Due to the discrete structure of the model, the Information Laffer curve shows jumps. However, in a continuous model, investigated and numerically simulated in the appendix, the curve not only survives, but also becomes smooth continuous. As Figure (7) of the appendix shows, increasing fines monotonically increase the expected number of reports, but the expected number of convictions shows a continuous hump-shaped curve.

The Information Laffer curve shows an unusual property of the model. In most law enforcement problems increasing incentives increases prosecution. Thus, if fighting a particular type of crime is important, uncertain decision makers might want to err on the safe side and introduce strong incentives. In the money laundering enforcement problem this logic produces counterproductive results. In fact, as Second Best equilibria welfare dominate Third Best equilibria, uncertain decision makers should actually prefer lower fines, if anything.

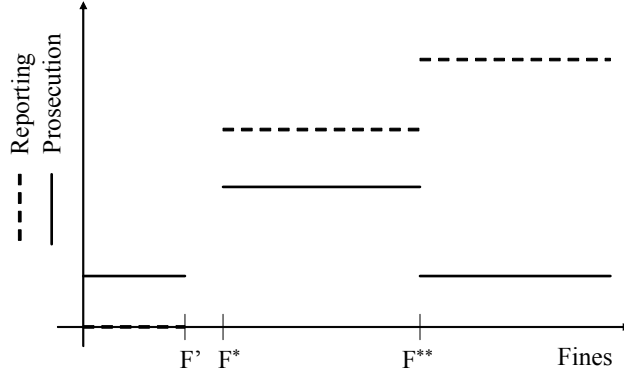


Figure 2: Information Laffer curve

V. COMPARATIVE STATICS

A. First Best Investigation: I_0^* and I_1^*

As expected, investigation efforts (I_0^* and I_1^*) increase both in the harm caused by money laundering (h) and in the recovery rate (ρ). Intuitively, the marginal benefit from the prosecution of money laundering is higher with higher h or ρ , hence the government prefers to undertake more investigation. Similarly, investigation efforts (again both I_0^* and I_1^*) decrease in the cost of government investigation (k). Clearly, if the marginal cost of investigation is higher, then less investigation is undertaken.

More interestingly, investigation efforts also depend on the prior likelihood of money laundering (α) and the precision of the signal (δ). The more likely money laundering is, the higher both investigation efforts are. The intuition is that higher likelihood of money laundering, *ceteris paribus*, increases the marginal benefit of investigation as more laundering is prosecuted with the same effort expenditure. Formally:

$$\begin{aligned} \frac{\partial I_0^*}{\partial \alpha} &= \frac{\delta(1-\delta)\rho h}{2k(\alpha + \delta - 2\alpha\delta)^2} > 0 \\ \frac{\partial I_1^*}{\partial \alpha} &= \frac{\rho h}{2k(1-\alpha-\delta+2\alpha\delta)^2} > 0 \end{aligned} \quad (10)$$

However, the precision of the signal affects the two investigation efforts differently:

$$\begin{aligned} \frac{\partial I_0^*}{\partial \delta} &= \frac{-\alpha(1-\alpha)\rho h}{2k(\alpha + \delta - 2\alpha\delta)^2} < 0 \\ \frac{\partial I_1^*}{\partial \delta} &= \frac{\alpha(1-\alpha)\rho h}{2k(1-\alpha-\delta+2\alpha\delta)^2} > 0 \end{aligned} \quad (11)$$

The intuition is that the more precise the signal is, the more reliable first best reporting is. Thus, the government investigates more vigorously given reporting, and less so in the absence of it.

B. Minimal Optimal Fine: F^*

Two properties of the minimal optimal fine are crucial to understand the comparative statics. First, the minimal optimal fine provides incentives for the bank to stay informed and not deviate from monitoring ($M = 1$), as can be seen from the IC_1 constraint in the proof of Lemma (7). Second, the minimal optimal fine depends on the first best investigation effort conditional on no reporting (I_0^*). The reason is, that fines represent incentives only together with I_0^* , as the bank is fined only if money laundering is prosecuted. Equation (12) depicts fines as a function of first best investigation (I_0^*), bank costs (c, m), prior probability of money laundering (α), and signal precision (δ):

$$F^* \equiv \frac{(1 - \alpha - \delta + 2\alpha\delta)c + m}{\alpha\delta I_0^*} \quad (12)$$

Evidently from (12), the minimal optimal fine decreases in the first best investigation level (I_0^*), which has three unexpected consequences.

First, the minimal optimal fine decreases in the harm caused by money laundering (h) and in the recovery rate (ρ). Equation (4) shows that higher harm and higher recovery rates increase investigation. Thus, increased investigation provides additional incentives for the bank to stay informed, and lower fines suffice.

Second, the minimal optimal fine also decreases in the prior probability of money laundering (α). Two factors simultaneously decrease the optimal fine. First, increasing α increases the likelihood of uncovering money laundering should the bank choose to be uninformed. This means that smaller fines suffice, which is demonstrated in the following equation:

$$\frac{\partial}{\partial \alpha} \frac{(1 - \alpha - \delta + 2\alpha\delta)c + m}{\alpha\delta} = -\frac{(1 - \delta)c + m}{\alpha^2\delta} < 0$$

Second, increasing the prior probability of money laundering increases the investigation effort, which is apparent in equation (10). Increasing investigation, as before, further reduces the fine level. Thus, both effects cause the minimal optimal fine to decrease in the prior likelihood of money laundering.

Third, the minimal optimal fine increases in investigation costs k . Higher investigation costs decrease first best investigation by equation (4). Thus, higher fines are needed to preserve the bank's incentives to stay informed.

The minimal optimal fine also decreases in the precision of the signal (δ). However, the intuition of this result is not immediately obvious. On the one hand, as shown in equation (11), higher precision of the signal implies lower investigation effort. This effect requires increased fines to preserve incentives. On the other hand, higher precision also increases the value of being informed for the bank. The informed bank is more certain about its information, and the likelihood of fines,

given the low signal, is lower. Formally, this can be demonstrated as:

$$\frac{\partial}{\partial \delta} \frac{(1 - \alpha - \delta + 2\alpha\delta)c + m}{\alpha\delta} = -\frac{(1 - \alpha)c + m}{\alpha\delta^2} < 0$$

In order to evaluate the relative strength of the contradicting forces, F^* is formally differentiated:

$$\frac{\partial F^*}{\partial \delta} = \frac{-1}{(\alpha\delta)^2 I_0^*} \left[\frac{\alpha(1 - \alpha)(2\delta - 1)}{(1 - \delta)(\alpha + \delta - 2\alpha\delta)} c + \frac{\alpha(2\delta - 1) + \delta^2(1 - 2\alpha)}{(1 - \delta)(\alpha + \delta - 2\alpha\delta)} m \right] < 0$$

The result shows that the second effect is dominant, and the optimal fine decreases in signal precision.

The remaining comparative statics are straightforward. The optimal minimal fine increases in the bank's costs of monitoring (m) and reporting cost (c). This is intuitive, as the greater the effort costs are, the higher incentives must be.

C. Maximal Optimal Fine: F^{**}

Two properties of the maximal optimal fine are crucial in understanding the comparative statics. First, maximal optimal fine shows how large the fine can be before the bank deviates to reporting every transaction ($T = 0$), as can be seen from the IC_2 constraint in the proof of Lemma (7). Second, maximal optimal fine depends on the first best investigation effort given no reporting (I_0^*), because fines represents incentives only with investigation. Thus, fine F^{**} can be written formally as follows:

$$F^{**} = \frac{(\alpha + \delta - 2\alpha\delta)c}{\alpha(1 - \delta)I_0^*} \quad (13)$$

Equation (13) allows the analysis of F^{**} similarly to that of F^* . The results are very similar, and show the same three unexpected consequences.

First, maximal optimal fine F^{**} decreases in the harm caused by money laundering (h) and in the recovery rate (ρ). The reason, in both cases, is that equilibrium investigation I_0^* increases in h and ρ as equation (4) shows. Thus, the bank needs smaller nominal fines so as not to cry wolf, because the probability of prosecuting money laundering is higher.

Second, maximal optimal fine also decreases in the prior probability of money laundering (α). The reason is twofold. First, higher prior likelihood of money laundering increases investigation I_0^* as equation (10) shows. Second, higher prior money laundering probability implies that even with the low signal the transaction is more likely to be money laundering. Thus, ceteris paribus, it is more likely that the bank will be fined if it does not report. So, the bank needs smaller fines so as not to report all transactions. This effect is demonstrated by:

$$\frac{\partial}{\partial \alpha} \frac{(\alpha + \delta - 2\alpha\delta)c}{\alpha(1 - \delta)} = \frac{-\delta c}{\alpha^2(1 - \delta)} < 0$$

Thus, both effects decrease maximal optimal fine F^{**} in the prior likelihood of money laundering.

Third, maximal optimal fine increases in investigation costs k . Higher investigation costs affect maximal optimal fines through decreasing investigation I_0^* . Thus, higher fines are needed to keep incentives constant.

Maximal optimal fine also increases in the precision of the signal (δ). First, investigation I_0^* decreases in δ by equation (11). Intuitively, the more precise the signal, the less investigation is needed if no report was filed in the First Best equilibrium. Second, higher precision decreases the likelihood that the low signal activity is indicative of money laundering. Thus, the bank has lower incentives to report low signal transactions. This latter effect is demonstrated formally by:

$$\frac{\partial}{\partial \delta} \frac{(\alpha + \delta - 2\alpha\delta)c}{\alpha(1 - \delta)} = \frac{(1 - \alpha)c}{\alpha(1 - \delta)^2} > 0$$

Thus, both effects increase maximal optimal fine F^{**} in signal precision.

The remaining results are trivial. Maximal optimal fine increases in the cost of reporting (c), as more costly reporting provides disincentives against crying wolf. Furthermore, it is unaffected by changes in the monitoring cost m , because the bank keeps monitoring even if it deviates from the first best to cry wolf.

Finally, the comparative statics are summarized concisely on Table (1) below.

	I_0^*	I_1^*	F^*	F^{**}
h	+	+	-	-
ρ	+	+	-	-
α	+	+	-	-
δ	-	+	-	+
k	-	-	+	+
c	0	0	+	+
m	0	0	+	0

Table 1: Comparative Statics

VI. EMPIRICAL EVIDENCE

The model provides two predictions which can be investigated empirically:¹⁰

Prediction 1 (Fines) *The number of reporting is monotonically increasing in fines. However, the number of prosecutions shows a hump shaped curve: prosecutions first increase later decline in fines.*

Prediction 2 (Harm) *Even with constant fines, increasing harm of money laundering can also*

¹⁰In order to link national level data to the single bank reporting model, the available data is interpreted as the aggregate outcome of many reporting problems.

trigger more reporting and fewer prosecutions.

The predictions are evaluated in two steps. First, it is shown that the available evidence is consistent with the model's underlying assumption that money laundering volumes are unchanged and deterrence effects are secondary. Second, the evolution of fines, the perceived harm, the number of reports, and prosecutions are shown to be consistent with the model's prediction.

A. Money Laundering Volumes

The model and its predictions rely on the implicit assumption, that money laundering volumes are unchanged. All comparative statics results were obtained under this assumption. Here, this implicit assumption is contrasted to the available empirical evidence.

There is no hard data on money laundering volumes due to its illicit nature. However, estimates are available, which fall into two broad categories. First, microeconomic estimates use micro level data and link it to money laundering or related proxies. Second, macroeconomic estimates use macrovariables to estimate money laundering or its proxies.

Estimating criminal earnings follows the microeconomic approach. Criminal earnings needs to be 'laundered', hence, it is useful proxy for money laundering volumes. As it is detailed in Reuter and Truman (2004), the estimation is done in two steps: First, earnings related to particular kind of crimes (such as an act of tax evasion or a drug dealing) is estimated. Second, the number of criminal acts are estimated using prosecution data and latency estimates. Figure (3) demonstrates that criminal earnings estimates show a remarkable stability in the United States over a long period of time.

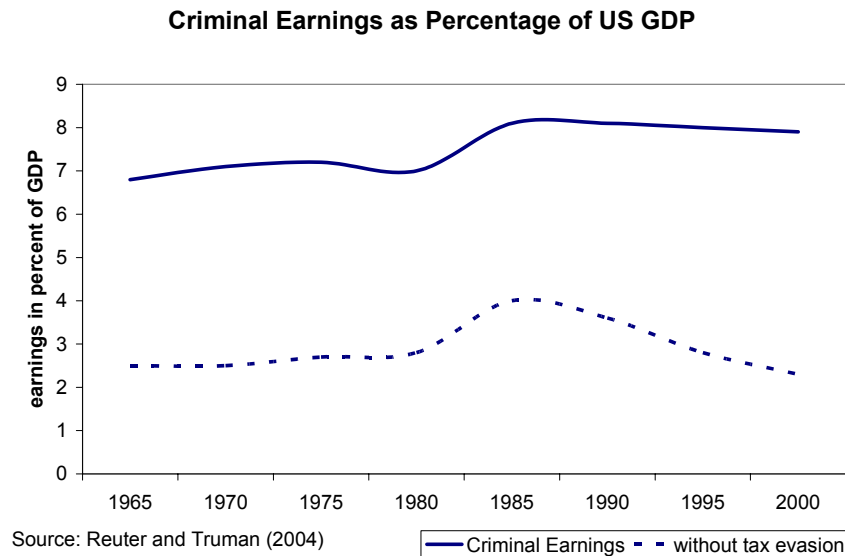


Figure 3: Criminal Earnings in the United States

Estimating the size of the underground economy by cash demand follows the macroeconomic

approach. The size of the underground economy is a proxy for the amount of money laundered, because underground monies need to be 'laundered' eventually. Again, there is no hard data on the underground economy. However, the amount of cash demanded and used in an economy (relative to its development and characteristics of financial intermediation) can be used to gauge the size of the underground economy (Tanzi, 1996). The size of the underground economy is estimated by using variations in the tax rate: Higher tax rate provides stronger incentives for informality. Hence, the difference between the actual cash demand and the cash demand estimate under a hypothetical zero tax schedule is a proxy for the size of the underground economy. Using this methodology Schneider (2002) estimates the US underground economy to be around 8.8% of GDP, which is remarkably close to the criminal earnings estimate above. This methodology links money laundering estimates inversely to changes in the tax regime. Hence, variation is small and linked to major tax events.

In sum, both methodology shows stable estimate of money laundering volumes in line with the model's implicit assumption.¹¹

B. Fines, Harm, Reporting and Prosecution

This subsections shows that the available evidence on fines, the perceived harm of money laundering, reporting and prosecution are consistent with the model's prediction. Fines, harm and reporting have increased on the last ten years. However, the evolution of prosecution figures shows a hump shaped figure. The evidence is consistent with what happens under crying wolf.

Fines show a steep increase during the period under consideration. Though fines are very difficult to measure, because data on sanctions are scattered among regulatory agencies, all possible measures increase. All fines and restitutions, including fines on non-depository institutions as well as individuals, increased six-fold between 1996 and 2001 on the basis of US Sentencing Commission information (Reuter and Truman, 2004). GAO (2004) also confirms steep increases in civil money penalties, though without providing exact figures. FinCEN provides detailed statistics of its fines for neglecting SAR filing duties on its website. FinCEN started to levy fines in 2002, and the volume grew quickly from \$0.1 million in 2002 to \$24.5 million in 2003 and finally to \$35 million in 2004. In 2005 ABN-AMRO Bank alone was fined to \$80 million (FinCEN, 2005g).

The perceived harm of money laundering has also increased considerably. Increases of fines themselves show the growing impatience of regulators with money laundering offenses. Most importantly, the 9/11 attacks have highlighted and increased awareness of terrorism as a predicate crime. Money laundering regulation was strengthened substantially in the USA Patriot Act in order to increase safety.

Reporting has also increased steeply. Reporting data are published in FinCEN (2006). The number of suspicious activity reports have exploded in the last ten years as evidenced on Figure

¹¹If anything, a slow decline could be expected after 2000, with falling crime rates and tax cuts.

(4). The figure normalizes reporting by the population increase of the United States, in order to correct for natural growth.¹² Furthermore, charting only the total number of SARs is misleading as the range of reporting institutions has widened substantially. Hence, SARs filed by depository institutions are displayed separately. As it is evident from Figure (4), even depository SARs grew exponentially as fines grew, and the growth does not seem to saturate. Furthermore, the growth seems to have accelerated after 9/11.¹³

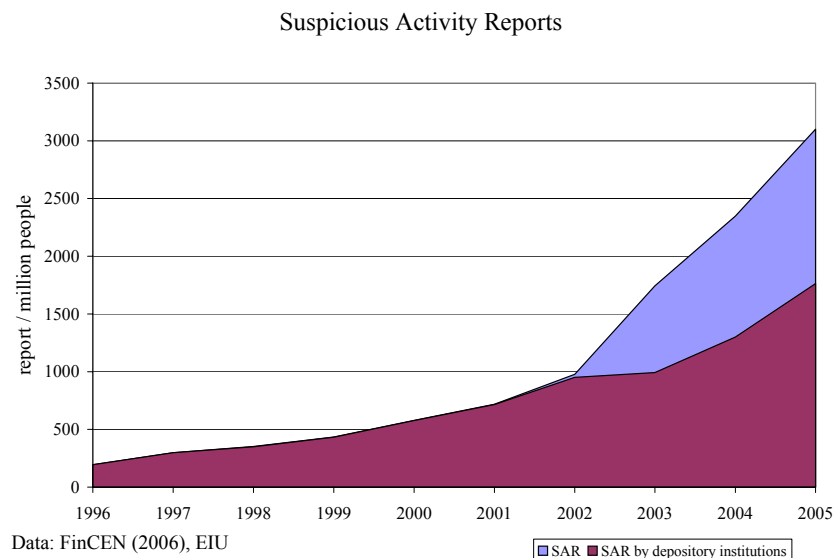


Figure 4: Reporting

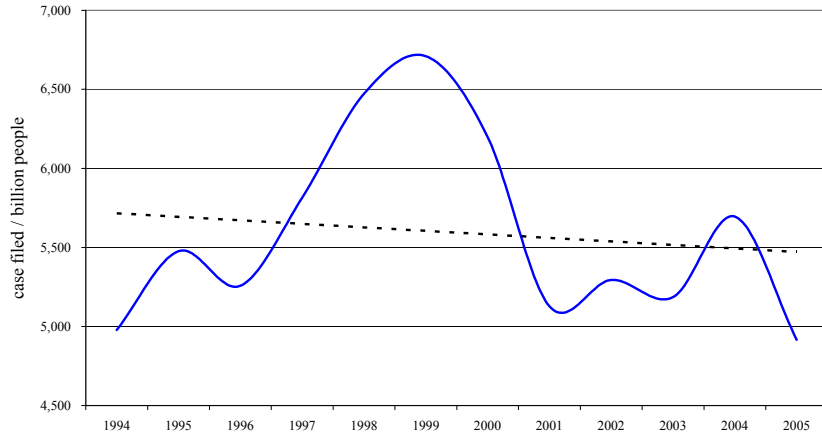
Prosecution figures show a hump shaped curve, a marked difference from the rapid increase of reporting or fines. Prosecution can be measured in two main ways.¹⁴ First, the number of money laundering cases filed provides a measure how efficient SARs are in tipping off law enforcement agencies to prosecute cases. Figure (5) shows the evolution of cases filed - normalized by population numbers. The chart clearly shows that money laundering cases filed have increased until 1999 and declined thereafter. Second, the number of money laundering convictions measures how efficient SARs are in providing useful evidence to convict criminals. Figure (6) shows the same hump-shaped curve as Figure (5), again normalized by population numbers.

¹²Population data was taken from the Economist Intelligence Unit (EIU).

¹³Between 1996 and 2000, the number of SAR filings by depository institutions grew by 27,663 per year on average. Between 2001 and 2005, depository SAR filings grew on average by 71,987 per year. Total SAR filing grew even faster, from 27,758 report-increase/year to 151,209.

¹⁴Both kind of prosecution data are obtained from the Federal Justice Statistics Resource Center website (<http://fjsrc.urban.org/index.cfm>) query system until the latest date available: 2005. The query system reports the title and section of the most serious *terminating* offense. It also implies, that the data is not directly comparable to the Money Laundering Special Report (2003), which uses the title and section of the most serious *filing* offense.

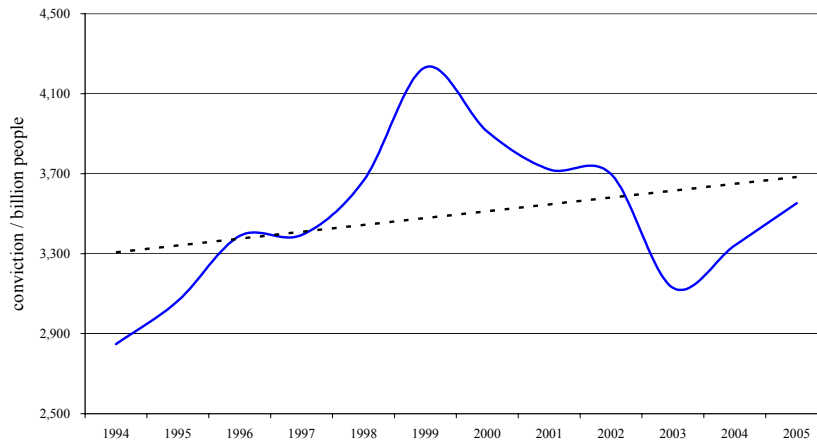
Filed Money Laundering Cases



Source: Federal Justice Statistics, EIU

Figure 5: Filed Prosecution Cases

Convictions for Money Laundering



Source: Federal Justice Statistics, EIU

Figure 6: Convicted Prosecution Cases

Finally, FinCEN testimonies also support the model's predictions. FinCEN (2005c) describes 'defensive filing' as strikingly similar to the effects of crying wolf. First, the number of SARs filed skyrockets. Second, banks file SARs regardless of the level of suspicion. Third, law enforcement efforts are compromised by the large number of filings. A FinCEN (2005b, p3) quote illustrates the point:

We estimate that if current filing trends continue, the total number of Suspicious Activity Reports filed this year will far surpass those filed in the previous years. [...] it fuels our concern that financial institutions are becoming increasingly convinced that the key to avoiding regulatory and criminal scrutiny under the Banking Secrecy Act is to file more reports, regardless of whether the conduct or transaction identified is suspicious. [...] If this trend continues, consumers of the data - law enforcement, regulatory agencies, and intelligence agencies - will suffer.

In sum, the available empirical evidence is consistent with the model's predictions. The increases in fines and in the perceived harm of money laundering have triggered an explosion in reporting. Increasing reporting initially helped, but eventually hindered money laundering prosecution. In particular, the empirical evidence shows that the United States' anti-money laundering regime is potentially facing a crying wolf problem, where the increasing number of reports is detrimental to the efficiency of the AML regime.

VII. DISCUSSION

A. Implementable Policy Implications

This paper identifies the crying wolf problem as relevant to the money laundering enforcement regime in the United States. In addition, the model is also able to identify implementable policy solutions. However, as the empirical evidence is scattered, the policy implications are suggestions for future policy debates rather than strict prescriptions.

The model identifies that the crying wolf problem might be remedied by reducing fines. If the first best is implementable, then as Proposition (3) shows, decreasing fines will implement it. There are some signs that the problem of excessive fines is understood. Fines could be decreased, for instance, by centralizing the prosecution of banks for Banking Secrecy Act violations as it happened with the modification of the US Attorney General's manual (2005). According to industry opinions, the changes were motivated by the case of AmSouth Bank which was criminally prosecuted by a Mississippi state attorney. The prosecution disturbed banks because they felt threatened to be fined by too many organizations, as Federal Reserve Banks, Office of the Comptroller of the Currency (OCC), FinCEN and state attorneys. Furthermore, an internal OCC (2005) memorandum, denying zero tolerance policies, became available in the public domain, which could also be interpreted as a signal for lowering fines.

Another policy suggestion advocated here calls for a 'safe harbor' or fine-free zone for banks. Banking supervision could guarantee that well-reporting banks will not be fined for Banking

Secrecy Act violations for some period. This safe harbor would give peace of mind to banks, and reduce the pressure to excessive reporting. Furthermore, such safe harbor is specifically useful to preserve the power of banking supervision in setting fines.

The model also highlights that the first best can always be implemented if the bank pays an additional reporting fee. As Lemma (4) has shown, the first best is always implementable if reporting is sufficiently costly. Furthermore, an extension of the model with continuous signals and monitoring efforts, discussed in the appendix, demonstrates that reporting fees are generally necessary to implement the first best. Moreover, changing the cost of reporting is easily implementable, as regulatory authorities can charge a reporting fee. The economic argument for reporting fees can also be understood through the externalities caused by reporting. Each report dilutes the value of all the other reports. However, banks do not fully internalize these reporting externalities, i.e. the shadow costs of information dilution, and reporting fees are pricing these dilution costs.¹⁵

Reporting fees might be seen as putting undue burden on the banking industry. This is, however, not necessarily so. Reporting fees are not needed for their redistributive effect (which might be the major concern of the industry), but rather for their incentive effect. For instance, fees might be channeled back to the industry, eliminating the redistributive effect and still maintaining the incentives. This could eliminate placing undue burden on the industry, though redistribution between individual banks might not be eliminated.

The comparative statics also provide lessons for setting policy in the future. Three examples are discussed here. First, the increased harm caused by money laundering should lead to decreased fines. Second, the increased likelihood of money laundering should also lead to decreased fines. In a sense, the graver the problem, the weaker the incentives should be that banks are facing. Third, technological changes are likely to decrease reporting costs which can lead to crying wolf. In order to avoid this, policy makers might want to introduce or further increase reporting fees.

B. Market Closure

The model provides ways of thinking about market closure. A straightforward formal extension could allow the bank to decide about participation in the transfer game. Given the parameters - and the equilibrium or exogenous fine level - the bank could decide whether or not to close its activities. This would formally introduce an individual rationality constraint (IR). As an immediate extension, the bank could be thought of as observing a signal on α , the prior likelihood of money laundering, based on factors such as clients' ethnicity. Using information on the observable characteristics correlated with the likelihood of money laundering, banks can close

¹⁵Alternatively, banks could be given incentives by "privatizing" money laundering prosecution, i.e. rewarding banks for useful reports and charging them for wasted law enforcement efforts on the others. There are two main problems with this proposal. First, banks might not want to appear to be reporting their clients for rewards, a kind of blood money. Second, such a system would need a separate pricing mechanism for each bank, which might make it unfeasible.

their services. Obviously, the higher the fines are the more likely the bank is to close its services, i.e. smaller α triggers market closure.

Closure of banking services is harmful eminently because it forces legal customers as well as money launderers to use alternative transfer providers, such as *hawala*. As alternative providers are ill-equipped to monitor and report large number of transactions, bank closures could actually ease money laundering and terrorism financing. Furthermore, market closure might destroy some businesses or lead to discrimination against some ethnicities.

Banks might systemically exclude certain businesses or individuals. In early 2005 US banks started to refuse to provide services to money service businesses on such a scale that the closure threatened the money service industry (FinCEN, 2005a). In order to solve the problem, FinCEN (2005d) published amended guidelines which effectively decreased the likelihood that banks are fined for dealing with money service businesses. Furthermore, some Middle Eastern ethnicities might be systematically excluded from banking services.

Entire regions may also find their banking services severed. In some regions clients are more likely to be involved in money laundering or terrorism financing. For instance, in the Gaza strip even the most honest banks might unwittingly participate in serving suicide bombers, would-be terrorists or their families. Not surprisingly, Western banks are leaving the Middle East as reported in the Economist (2005a). However, it may also happen that Middle Eastern banks are forced to withdraw from the West. The New York Times (2005) reported that Arab Bank decided to gradually close its New York branch after being sued for transferring funds for suicide bombers' families.

C. Applications in Other Contexts

The problem of crying wolf is relevant in several other contexts.¹⁶ In the following, the two most significant economic applications, product information and auditing, are discussed.

Product Information

Product information on potential hazards is important in identifying for customers the relevant risks. Customers tailor their behavior and, most importantly, take costly precautionary actions so as to avoid specified harms. In this setting, all the building blocks of crying wolf are present. Communication is coarse because the manufacturer has much more information than could be conveyed in a simple manual. Manufacturer' incentives are coarse because injured consumers might litigate for damages if they have not been properly informed. Thus, manufacturers are punished for false negatives only. Finally, uncertainty is naturally present, as no product is completely fool-proof.

¹⁶The most straightforward application might be the case of law enforcement tip-off rewards. Here, law enforcement agencies might want to carefully weigh what the optimal rewards are that solicit information gathering without triggering crying wolf and the flood of speculative tip-offs.

In this setting crying wolf can arise if damages awarded in courts are excessively high. Crying wolf can take the form of excessive small prints in product manuals or contracts. McDonald's warning that the hot chocolate is indeed hot is an example of crying wolf. Under crying wolf customers cannot distinguish between relevant warnings and those that are listed 'defensively'. Thus, in order to save on costly precautionary actions, they might disregard all the information provided. For instance, online customers commonly sign or click that they have read and understood the terms of service without even looking at them.

Crying wolf is harmful in the product information setting because it leaves consumers less well-informed about relevant risks. If, for instance, medical providers explore irrelevant risks in detail, then customers cannot make an informed choice about their treatment. Similarly, parents of young children might not be able to monitor the most dangerous appliances, as producers identify excessive number of potential mortal hazards. In sum, crying wolf prevents customers from taking appropriate and efficient precautionary actions.

Crying wolf in product information also highlights a potential law and economics problem. It is easy to penalize economic actors for being negligent about their duty to inform. There is usually an identifiable victim and damage, so courts can easily assess the penalties for false negatives. However, false positives are harder to punish, because there are no such easily identifiable victims. It is difficult to litigate based on the argument that the manual was disregarded because it was so exhaustive.

Some of the model's predictions can be used directly in the product information case. Most importantly, optimal fines or damages are needed so as to avoid crying wolf. However, the model's other predictions are either not easily implementable or are different. Punishing for false positives is more difficult, as there is no such simply implementable proxy as the reporting fee. Furthermore, in product information higher harm implies higher fines. The reason is that the larger the harm is, the stronger are the precautionary measures, and the less likely that the product causes harm. Thus, higher harm lowers the likelihood that a false negative surfaces, and calls for increased fines.

Sarbanes-Oxley Act: Reporting Material Transactions

The model can be used to further think about analyzing reporting material transactions after the Sarbanes-Oxley Act. Auditors reporting material transactions face a similar problem as banks disclosing suspicious activities. First, communication is coarse: auditors identify a transaction as material, but cannot communicate all the premises of their judgment. Second, incentives are coarse: auditors face fines should they fail to identify and report material transactions. Third, auditors evaluating the importance of the transactions are uncertain about their true importance. Finally, the validity of auditors' professional judgment on the importance of the transaction cannot be verified ex-post. These similarities are sufficient to give rise to the crying wolf problem if fines are excessively high.

Thinking about the identification of material transactions departs from the traditions of the

disclosure and the auditing literature. First, the disclosure literature, originating from the works of Grossman and Hart (1980), Grossman (1981) and Milgrom (1981), focused on verifiable information. In most accounting situations this focus is justified (Verrecchia, 1983 and 2001). However, in the case of identifying material transactions the information is not verifiable or certifiable because the information provision involves the judgment of the auditor. Ex-post the importance of the transaction is revealed but not whether the auditor's judgment was correct at the time of reporting.

Second, the auditing literature since Tirole (1986) has traditionally focused on the possible collusion between the auditor and its client. The main problem is understood to be the auditor's reluctance to disclose unfavorable information about its client. However, in identifying material transactions auditors also filter information and their non-disclosure is also informative. Excessive fines might force auditors to stop filtering transactions and leave identification to the less experienced public or courts.

This new angle on material transactions highlights a potential danger of the Sarbanes-Oxley Act. The act has increased auditing fines on auditors much like the USA Patriot Act has increased fines on banks. Clearly, the threat of fines was insufficient before the accounting scandals. The question is how high auditing fines are now: "Are fines already excessively high resulting in crying wolf or are they in the optimal range?" The question deserves further investigation. Especially, since some preliminary findings hint that the crying wolf problem is potentially relevant. For instance, Gordon (2005) reports that the average length of Fortune 500 firms' 10-K reports has grown from 16 pages in 1950 to 126 pages in 2000, even before the Sarbanes-Oxley Act.

There are, of course, some caveats before directly applying the model based on money laundering enforcement to auditing situations. First, as auditing reports are more detailed and less numerous than SARs, communication might be less coarse in auditing. Second, though auditing firms have specific information about their clients, it is rarely as specific as banks' information on their clients. Regulators can always ask a second auditor to double-check the findings of the first one. Third, individual clients are arguably more important for auditing firms than for banks. In addition, auditing reports are known to the client, in contrast to SARs. Thus, auditors might have much stronger disincentives to report than banks.

Finally, the crying wolf problem also raises questions about the general role of disclosure in corporate finance. There is a tacit understanding that more disclosure implies better corporate finance governance. Empirical tests, such as La Porta et al. (2006), focus only on this positive role. However, the paper shows how more disclosure might indeed reduce information under some well-defined conditions, which might be worthy of further investigation.

VIII. CONCLUSION

The paper identifies the crying wolf problem in money laundering enforcement. This is important for three main reasons. First, the paper is the first to formally analyze money laundering enforcement. The research helps to understand the specificities of how this harmful financial crime is fought. Furthermore, it also provides a solid ground for further studies analyzing economic issues related to money laundering and its enforcement.

Second, the paper provides implementable policy implications, many of which seem counterintuitive at first sight. The paper calls for decreased fines against banks found to be negligent in carrying out their anti-money laundering duties. Furthermore, the model shows that fines against banks should decrease as the harm caused by money laundering increases. The paper also makes the case for introducing reporting fees, i.e. charging banks for informing law enforcement agencies. The paper also highlights how well-intentioned and seemingly sensible money laundering regulations, such as the USA Patriot Act, could have backfired.

Third, the paper explores the general problem of crying wolf. For instance, the model can be applied to analyze product information provision. Furthermore, the crying wolf model can be used to analyze how auditors disclose material transactions after the Sarbanes-Oxley Act. Most importantly, the paper questions the conventional wisdom in corporate finance that more disclosure implies better information.

The model also acts as a useful springboard for the analysis of potential problems of crying wolf in governance settings. First, the model can be extended to encompass dynamic reporting considerations, when reporting agents care about their career and reputation as in Prendergast and Stole (1996). For instance, such a dynamic model could be used to analyze how optimal catastrophe and terrorism warning systems should work. Agencies are concerned for how their reports are read in the light of their track-record and reputation. Obviously, hurricane warnings are being read differently after Katrina, and terrorism warnings have a different information value after 9/11.

Second, crying wolf can be examined in a hierarchical context. Many reporting agents work in hierarchies, where, as Prendergast (1993) suggests, career concern might induce them to excessively conform to their superiors' views. The question is how institutions are designed to deal with such strategic report shading. An obvious example arises in wartime situations, where division commanders' calls for reserves exhibit all the characteristics of a potential crying wolf problem. The question is how the army provides incentives for optimal reporting and how career concern discourages strategic reporting. Intensive care provides yet another example, where nurses call medical doctors should patients' health deteriorate.

Crying wolf might be particularly relevant in intelligence settings. Intelligence reports, including the security report to the President, are potentially susceptible to crying wolf. Communication is coarse because the special information cannot all be transmitted. Uncertainty about the validity of the information is naturally present. Furthermore, the specific information of the intelligence

agencies cannot usually be verified ex-post. Thus, following Garicano and Posner (2005), the efficiency of different organizations and incentives in curbing crying wolf and the relevant trade-offs could be investigated.

Finally, the problem of crying wolf sheds some light on the fundamental question of what qualifies as information. The paper focused on the identification role of reporting and showed formally how excessive reporting fails to identify and thus inform. This identification role highlights that in certain situations filtering, in other words withholding specific data, is necessary to efficiently inform. Such filtering of data is becoming increasingly important in the economy, as data are increasingly easier to store and forward with the development of information technology. This suggests that crying wolf problems might surface in many other applications in the foreseeable future.

IX. APPENDIX

A. Exogenous Fine Equilibria with $F^* > F^{**}$

If the first best is not implementable, then the government prefers to implement one of the Second Best equilibria. Corollary (9) shows that this is possible, if the fine is sufficiently low. (Note that Corollary (9) does not depend on whether the first best is implementable or not.) If the second best is not implementable, because the fine is too high, then Third Best equilibria are implemented. Lemma (7) formalizes the argument.

Lemma 7 *Sufficiently high fines which satisfy both: $F \geq F''$ and $F > F'$, implement the Third Best equilibria if the First Best equilibrium is not implementable. Then government investigation is set $I_0 \geq I'_0(F)$. Furthermore F' is as defined in Lemma (5) and*

$$F'' \equiv \max \left\{ \frac{(\alpha + \delta - 2\alpha\delta)c}{\alpha\delta}, \frac{c+m}{\alpha} \right\}$$

and $I'_0(F) < 1$ for $\forall F \geq F''$.

Proof. As First Best equilibrium is not implementable, the government prefers to implement the second best, which is implementable by Corollary (9) with $F \leq F'$. Otherwise, the government can only implement Third Best equilibria. By IC_1 and IC_2 formalized in the proof of Lemma (5), Third Best equilibria are implementable if

$$F(I_0) \geq \max \left\{ \frac{(\alpha + \delta - 2\alpha\delta)c}{\alpha\delta I_0}, \frac{c+m}{\alpha I_0} \right\}$$

Thus, the Third Best is implementable with fines larger than F'' where

$$F'' \equiv \max \left\{ \frac{(\alpha + \delta - 2\alpha\delta)c}{\alpha\delta}, \frac{c+m}{\alpha} \right\}$$

However, depending on the parameter values, this F'' can be both higher and lower than F' , as straightforward examples can show. If $F'' > F'$, then there is no pure strategy equilibrium with $F' < F < F''$, and Third Best equilibria prevail with $F \geq F''$. If $F'' \leq F'$, then the Third Best is implemented with $F > F'$. ■

Consequently, the resulting equilibria can be characterized.

Proposition 4 *Low fines, $F \leq F'$ implement Second Best equilibria and high fines, $F'' < F$ implement the Third Best equilibria with $I_0 \geq I'_0(F)$, if the First Best is not implementable.*

Proof. Follows from Corollary (9) and Lemma (7). ■

The solution shows that increasing fines decrease social welfare. In this case, however, prosecution rates do not change, because welfare decrease only through wasteful monitoring and reporting. Corollary (5) formalizes the result.

Corollary 5 *The expected prosecution rate is constant in fines: χ^{**} , if the First Best equilibrium is not implementable.*

Proof. Follows directly from Lemma (6) and Proposition (4) of the appendix. ■

Thus, even if the first best can not take place, crying wolf arises as defined earlier. Excessively high fines still remain detrimental because they increase the social costs of operating the money laundering enforcement regime without improving the prosecution of money laundering. Nonetheless, in this case crying wolf does not decrease expected prosecution.

B. Further Discussions

Defensive Medicine and Information Overload

Crying wolf may seem superficially similar to both defensive medicine and information overload, but it is in fact fundamentally different. First, crying wolf bears some likeness to the well-understood defensive medicine problem. Defensive medicine is also triggered by excessive fines, i.e. threat of lawsuits. Furthermore, defensive medicine does not only reduce social welfare, but it might also hinder general medical goals. For instance, unnecessary X-rays might harm patients' health. Yet, the crucial difference is that in crying wolf social welfare is decreased through information dilution. Excessive reports destroy the information available for law enforcement. However, defensive medical practices do not dilute information.

Second, crying wolf is different from information overload as described for instance in Garicano and Posner (2005). Information overload arises as a result of inefficient information processing. For example, in information overload intelligence data cannot be processed on time to start counter-terrorist measures. In crying wolf the problem is not with processing information, but rather with the coarse way of communicating it. Law enforcement immediately receives SARs. Instead, the question is rather how much to trust the bank's judgment.

SARs: Data Provision vs. Identification

The duality of information, discussed in general in the conclusion, is also present in suspicious activity reports. SARs both identify suspects and provide otherwise unavailable raw data to law enforcement. The raw SAR database can be useful in locating wanted criminals, establishing links between different suspects, and for other searches. The distinction between data provision and identification explains why agencies interested in fighting money laundering (such as FinCEN) try to curb excessive reporting, while agencies with broader law enforcement goals (such as the FBI) prefer even more reports. Thus, database building is consistent with the FBI position that

SAR filings are not harmful (American Banker, 2005a). However, the decreasing number of prosecutions supports FinCEN's point of view: the increasing number of reports is not useful for fighting money laundering specifically.

C. Formal Extensions

Deterrence

Though abstracting from deterrence is justified as it is argued below, it is interesting to see how deterrence could be incorporated into the basic model. The most notable effect of deterrence is that the First Best equilibrium is not necessarily characterized by higher expected prosecution rates. Under deterrence, first best expected prosecutions are affected by two conflicting forces. On the one hand, better information increases the likelihood of prosecuting money laundering. On the other hand, more efficient prosecution deters potential money laundering. Theoretically, either effect could dominate.

Nonetheless, the deterrence effect is likely to be weaker in practice because money laundering is inelastic, as discussed in Reuter and Truman (2004). The economic reason for inelastic money laundering stems from the fact that money laundering is linked to the predicate crime. For instance, it is hard to imagine drug dealers stopping their illicit trade in response to money laundering prosecution alone.

Criminal deterrence can also be investigated by a simple extension of the model. Criminals anticipate government and bank equilibrium actions. Thus, when the money laundering enforcement regime is efficient, the likelihood of prosecuting money laundering is high, and fewer criminals will launder money. Let us suppose, that criminals have a utility from successful (i.e. not prosecuted) money laundering ($U_M > 0$), and utility loss from prosecution ($U_P > 0$). A risk neutral criminal will launder money if the expected gains from laundering exceed the expected penalty. Formally:

$$(1 - \psi)U_M \geq \psi U_P$$

where $\psi \in (0, 1)$ is the probability that money laundering is prosecuted. This probability can be expressed formally as:

$$\psi = (1 - p_T) I_0^* + p_T I_1^*$$

The prosecution probability clearly depends on equilibrium monitoring, reporting and investigation decisions. If the gain of money laundering is a random variable, then more efficient prosecution implies, that only money launderers with high laundering utility (U_M) will engage in money laundering.

Deterrence can be investigated most easily by applying a simple linear reduced form of the laundering decision:

$$\alpha(\psi) = \alpha^* - b\psi$$

where $\alpha^* > 0$, $b > 0$ and for the highest equilibrium ψ , $\alpha(\psi_{\max}) > 0$. In equilibrium, a fixed point

needs to be found also in terms of $\alpha(\psi)$.

Most importantly, deterrence does not change the model's main finding, that excessive fines result in harmful crying wolf.

Continuous Signal and Monitoring Model

The model can also be extended to include more general signals, bank monitoring, and reporting decisions. The most important result is that the continuous model does not change any of the model's qualitative conclusions. Moreover, the continuous model highlights that adjusting reporting costs (i.e. using reporting fees) is generally necessary to implement the first best. Intuitively, fines will affect both the threshold (T) and the monitoring effort (M). Thus, only in borderline cases will it be possible to fine-tune the system solely by adjusting fines. Consequently, the government needs to charge reporting fees to increase the reporting threshold (T) to the optimal level.¹⁷

In the continuous model three assumptions are changed. First, it is assumed that the signal (σ) is continuous. Moreover, it is assumed that it is distributed such that the posterior probability of money laundering $\beta(\sigma)$ is uniform on $[0, 1]$, which implies that, under rational updating, $\alpha = .5$. Second, it is assumed that bank monitoring (M) is continuous on $[0, 1]$ with costs mM^2 , where $m > 0$. Thus, the bank is not always informed or uninformed. Third, it is assumed that the reporting threshold (T) is freely chosen by the bank on the $[0, 1]$ interval.

The above continuous specification allows for rewriting the probabilities:

$$\begin{aligned} p_T &= 1 - T \\ q_{0T} &= \frac{T}{2} \\ q_{1T} &= \frac{1 + T}{2} \end{aligned}$$

The first best welfare maximization can be written as:

$$\begin{aligned} W &= M \left[T \left(\frac{T}{2} I_0 \rho h - k I_0^2 \right) + (1 - T) \left(\frac{1 + T}{2} I_1 \rho h - k I_1^2 - c \right) \right] \\ &\quad + (1 - M) [\alpha I_0 \rho h - k I_0^2] - m M^2 - \alpha h \end{aligned}$$

which is a linear quadratic problem, whose interior solution¹⁸ is characterized by the first order

¹⁷Theoretically it is possible that the government needs to use reporting subsidies to decrease the reporting threshold. However, given the 'defensive filing' problem, subsidies do not seem to be the policy relevant instruments.

¹⁸In this analysis only interior solutions are explored, and corner solutions are left to the reader.

conditions:

$$(M) \quad M = \frac{1}{2m} \left[\frac{T^2}{2} I_0 \rho h - T k I_0^2 + \frac{1-T^2}{2} I_1 \rho h - (1-T) (k I_1^2 + c) - \alpha I_0 \rho h + k I_0^2 \right]$$

$$(T) \quad T = \frac{k(I_1 + I_0)}{\rho h}$$

$$(I_0) \quad I_0 = \frac{\rho h M T^2 + 2(1-M)\alpha}{4k M T + 1 - M} \quad (14)$$

$$(I_1) \quad I_1 = \frac{\rho h}{4k} (1 + T) \quad (15)$$

Unfortunately, closed form solution is unattainable.

In the second best problem it is investigated how the first best solution (M^*, T^*, I_0^*, I_1^*) can be implemented. The bank's profit maximization problem is given by:

$$\Pi = -M \left(\frac{T^2}{2} I_0 F + (1-T)c \right) - (1-M)\alpha I_0 F - m M^2$$

which is, again, a linear quadratic problem. The interior solution is characterized by the first order conditions:

$$(M) \quad M = \frac{1}{2m} \left[\alpha I_0 F - \frac{T^2}{2} I_0 F - (1-T)c \right] \quad (16)$$

$$(T) \quad T = \frac{c}{I_0 F} \quad (17)$$

where the first condition (16) can be restated by substituting T in as:

$$M = \frac{1}{2m} \left[\alpha I_0^* F + \frac{c^2}{2I_0^* F} - c \right]$$

The first order conditions allow an important observation. In general fines cannot set both monitoring (M) and reporting (T) to the first best level. Thus, in the continuous model, it is generally necessary to use reporting fees (or subsidies) in addition to optimal fines.

Finally, the equilibria under exogenous fines are investigated. Under exogenously set fines, bank and government action can be jointly determined using the first order conditions determined in equations (14), (15), (16) and (17). There is no closed form solution to the problem, so the solution is simulated using `csolve.m` in matlab.

Figure (7) illustrates a solution with parameters: $\rho = 1, h = 9, k = 15, \alpha = .5, m = 1, c = 0.1$. Part (A) displays the Information Laffer curve. Increasing fines first increase, but later decrease the prosecution rate. The reason for the eventual decline in prosecution is that the government reacts less to reporting. Part (B) shows that how the expected number of reports increases in fines. The government reacts less to reporting because reports are becoming less informative as fines grow. Part (C) depicts that even though the bank monitors more as fines increase, it also

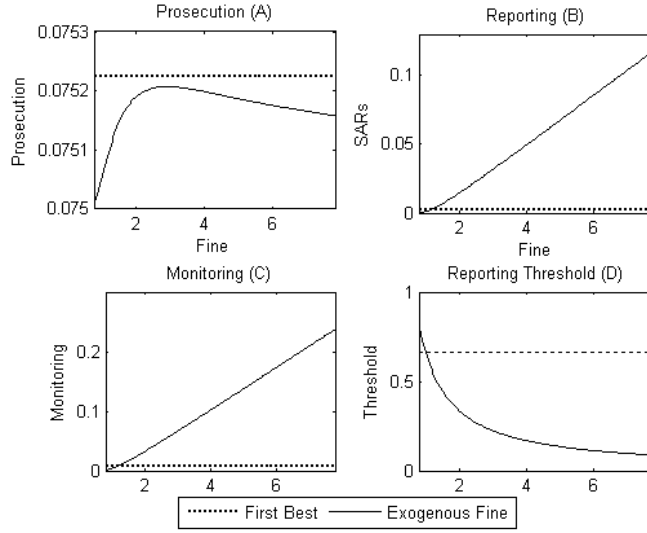


Figure 7: Continuous Model

reports lower signals. Part (D) shows clearly that as the fine grows, the bank lowers the reporting threshold. With very high fines the bank reports almost all transactions thereby rendering its signal uninformative.

Part (C) and (D) of Figure (7) also illustrate the dual and conflicting role of fines. On the one hand, higher fines increase monitoring as shown in Part (C). Increased monitoring improves the efficiency of the anti-money laundering regime. This monitoring effect is responsible for the initial positive response to increased fines. On the other hand, increased fines decrease the reporting threshold as shown in Part (D). This threshold effect might be positive if the reporting threshold is initially higher than the first best level. Even with intermediate fines, the monitoring and threshold effects might balance each other out. However, the negative consequences of the threshold effect eventually dominate. The lower threshold eventually destroys the information value of reports. This is how crying wolf renders reports uninformative.

Wasteful Fines

The model can be extended to allow for distorting and socially costly fines. In fact, some compliance costs might well be wasteful. Wasteful fines can be modeled by assuming that the government receives only $\lambda \in (0, 1)$ fraction of the total fines.

Naturally condition (1) does not change. The first best solution requires the same conditions. Nevertheless, in order to implement the first best solution in the second best problem, an additional condition must be satisfied:

$$\frac{[\alpha(1-\delta)\rho h]^2}{4k(\alpha+\delta-2\alpha\delta)} + \frac{(\alpha\delta\rho h)^2}{4k(1-\alpha-\delta+2\alpha\delta)} > \frac{(\alpha\rho h)^2}{4k} + (\alpha+\delta-2\alpha\delta)c + m + \lambda F^* \quad (18)$$

The interpretation of condition (18) is straightforward: with wasteful fines the social gains from prosecution must exceed not only monitoring and reporting costs, but also the social waste of the lowest possible fine implementing the first best.

The model's qualitative results on optimal fines, reporting fees or comparative statics do not change under wasteful fines. However, there are two minor differences. First, the first best welfare cannot be implemented because fines always waste some utility. Second, under wasteful fines the government strictly prefers to impose the smallest possible fine.

Effort to Increase Signal Precision

A reasonable extension is to investigate the model if the bank can exert effort to increase the precision of the signal (δ) at some cost $c(\delta)$. The model's main predictions do not change in this scenario: excessive fines lead to crying wolf, and reporting fees are needed. However, increased harm caused by money laundering might prescribe larger and not smaller fines if reporting fees are used as well. The intuition is that if money laundering is more harmful, more precise signals are needed. More precision is possible only if punishment for both false negatives (fines) and for false positives (reporting fees) is increased. However, if reporting fees are not used, then increased harm still should be accompanied with lower fines so as not to trigger crying wolf.

D. Proofs

Proof. [Proof of Lemma (2)] Suppose that $(R_0 = 1, R_1 = 0)$. Let us assume further, without loss of generality, that I'_0 and F' are the government's best responses.

First, consider that the bank monitors, $M = 1$ in equilibrium. Then, the expected value of fines conditional on non-reporting is $I'_0 F' \beta_0$ with the low, and $I'_0 F' \beta_1$ with the high signal. In the second best, the bank reports only if the expected fines conditional on non-reporting are at least weakly higher than the reporting cost c . Thus, reporting implies that the expected fine conditional on non-reporting is higher than the reporting cost:

$$\begin{aligned} R_0 = 1 &\implies I'_0 F' \beta_0 \geq c \\ R_1 = 0 &\implies I'_0 F' \beta_1 \leq c \end{aligned}$$

which is impossible if both $I'_0, F' > 0$ as $\beta_0 < \beta_1$. Furthermore, if the bank monitors ($M = 1$), then the government does not set $I'_0 = 0$ or $F' = 0$ in any second best equilibria. The reason is that if either $I'_0 = 0$ or $F' = 0$, then the bank is never fined. This implies, however, that the bank does not monitor (and sets $M = 0$) because monitoring reduces private profits by $m > 0$, but it does not save on fines.

Second, consider equilibrium bank monitoring $M = 0$. In this case the bank is never informed, and it never reports. Thus, equilibrium $(R_0 = 1, R_1 = 0)$ can be replaced with any other reporting actions. The government's best response, social welfare, and observed bank actions do not change.

■

Proof. [Proof of Proposition (5)] Notice, first, that in the first best fines do not play any role.

Thus, as the government prefers to make the bank as well-off as possible and it sets the fine to zero, $F = 0$.

In order to explore the possible equilibria, start with the bank action set. There are four possible bank action pairs:

$$(M = 0, T = 0) \quad (M = 0, T = 1) \quad (M = 1, T = 0) \quad (M = 1, T = 1)$$

First, if $M = 0$, then the bank never reports. Setting T is therefore inconsequential, and it does not affect welfare or best response. Thus, bank action pairs $(M = 0, T \in \{0, 1\})$ can be treated together. The social welfare function then is written as:

$$W(I_0, I_1, F = 0, M = 0, T \in \{0, 1\}) = \alpha I_0 \rho h - k I_0^2 - \alpha h \quad (19)$$

which yields the following government investigation best responses:

$$\begin{aligned} I_0 &= \frac{\alpha \rho h}{2k} \equiv I^{**} \\ I_1 &\in [0, 1] \end{aligned}$$

Substituting back to the welfare function yields:

$$\begin{aligned} W^{**} &= I^{**} \rho h - k (I^{**})^2 - \alpha h \\ &= \frac{(\alpha \rho h)^2}{4k} - \alpha h \end{aligned}$$

Second, consider the $(M = 1, T = 0)$ action pair. Then the social welfare function can be written as:

$$W = q_{1T} I_1 \rho h - k I_1^2 - c - m - \alpha h$$

which is maximized by setting

$$I_1 = \frac{q_{1T} \rho h}{2k} = \frac{\alpha \rho h}{2k} \equiv I^{**}$$

and is not affected by I_0 , as the bank always reports. Thus the social welfare:

$$\begin{aligned} W^{***} &= I^{**} \rho h - k (I^{**})^2 - c - m - \alpha h \\ &= W^{**} - c - m \end{aligned}$$

Thus, the $(M = 1, T = 0)$ action pair cannot be part of the First Best equilibrium.

Under bank action pair $(M = 1, T = 1)$, the social welfare function can be written as:

$$\begin{aligned} W(I_0, I_1, F = 0, M = 1, T = 1) &= (\alpha + \delta - 2\alpha\delta) (\beta_0 I_0 \rho h - k I_0^2) \\ &\quad + (1 - \alpha - \delta + 2\alpha\delta) (\beta_1 I_1 \rho h - k I_1^2 - c) - \alpha h \end{aligned} \quad (20)$$

which yields the following investigation best responses:

$$I_0^* = \frac{\alpha(1-\delta)\rho h}{2k(\alpha + \delta - 2\alpha\delta)}$$

$$I_1^* = \frac{\alpha\delta\rho h}{2k(1 - \alpha - \delta + 2\alpha\delta)}$$

Substituting back to the welfare function yields:

$$W^* = \frac{[\alpha(1-\delta)\rho h]^2}{4k(\alpha + \delta - 2\alpha\delta)} + \frac{(\alpha\delta\rho h)^2}{4k(1 - \alpha - \delta + 2\alpha\delta)} - (\alpha + \delta - 2\alpha\delta)c - m - \alpha h$$

Finally, the equilibrium with positive bank investigation provides higher welfare as

$$W^* - W^{**} = \frac{[\alpha(1-\delta)\rho h]^2}{4k(\alpha + \delta - 2\alpha\delta)} + \frac{(\alpha\delta\rho h)^2}{4k(1 - \alpha - \delta + 2\alpha\delta)} - \frac{(\alpha\rho h)^2}{4k} - (\alpha + \delta - 2\alpha\delta)c - m > 0$$

The expression is positive by assumption set in equation (1).

Finally, note that all possible government best response investigations are on the unit interval.

First, all (I^{**}, I_0^*, I_1^*) are non-negative. Second, by $\delta > (1 - \delta)$:

$$I^{**} = \frac{\alpha\rho h}{2k} < \frac{\alpha\delta\rho h}{2k(1 - \alpha - \delta + 2\alpha\delta)} = I_1^*$$

Third, again by $\delta > (1 - \delta)$:

$$I_0^* = \frac{\alpha(1-\delta)\rho h}{2k(\alpha + \delta - 2\alpha\delta)} < \frac{\alpha\rho h}{2k} = I^{**}$$

Finally, by the assumption stated in equation (2): $I_1^* < 1$. Thus, all three investigation probabilities are on the unit interval. Furthermore, they can be ranked as: $I_0^* < I^{**} < I_1^*$. ■

Proof. [Proof of Proposition (2)] There are three possible best response pairs by the proof of Proposition (5). In terms of actions and social welfare:

First Best	$(M = 1, T = 1)$	$(I_0 = I_0^*, I_1 = I_1^*)$	W^*
Second Best	$(M = 0, T \in \{0, 1\})$	$(I_0 = I^{**}, I_1 \in [0, 1])$	W^{**}
best response pair 3	$(M = 1, T = 0)$	$(I_0 \in [0, 1], I_1 = I^{**})$	W^{***}

The welfare implied by the three best response pairs is derived in Proposition (5):

$$W^{***} < W^{**} < W^* \tag{21}$$

Thus, the government would like to first implement (if it is possible) the First Best equilibrium.

By Lemma (4) the first best is implementable if

$$m \leq \frac{(1-\alpha)(2\delta-1)}{(1-\delta)}c$$

As the government prefers to increase banking profits, as long as social welfare is not affected, it sets fines as low as possible. The lowest possible fine which still implements the First Best is F^* , as demonstrated by Lemma (7). As the government can commit to investigation action, the First Best equilibrium is uniquely implemented with $F = F^*$ fines.

If the First Best is not implementable, the government prefers to implement one of the Second Best equilibria, all of which require the very same incentive compatibility constraints:

$$\begin{aligned} IC_1 & \quad \Pi(M = 1, T = 1, I_0 = I^{**}, I_1 \in [0, 1]) \leq \Pi(M = 0, T \in \{0, 1\}, I_0 = I^{**}, I_1 \in [0, 1]) \\ IC_2 & \quad \Pi(M = 1, T = 0, I_0 = I^{**}, I_1 \in [0, 1]) \leq \Pi(M = 0, T \in \{0, 1\}, I_0 = I^{**}, I_1 \in [0, 1]) \end{aligned}$$

Starting with IC_1 :

$$\begin{aligned} -(1 - p_1) q_{01} I^{**} F - p_1 c - m & \leq -\alpha I^{**} F \\ F & \leq \frac{p_1 c + m}{(\alpha - (1 - p_1) q_{01}) I^{**}} = 2k \frac{(1 - \alpha - \delta + 2\alpha\delta) c + m}{\alpha\delta\rho h} \end{aligned}$$

Then IC_2 :

$$\begin{aligned} -c - m & \leq -\alpha I^{**} F \\ F & \leq \frac{c + m}{\alpha I^{**}} = \frac{2k(\alpha + \delta - 2\alpha\delta)(c + m)}{\alpha^2\rho h} \end{aligned}$$

Thus, the Second Best equilibria are implementable with fines such that:

$$F \leq \min \left\{ 2k \frac{(1 - \alpha - \delta + 2\alpha\delta) c + m}{\alpha\delta\rho h}, \frac{2k(\alpha + \delta - 2\alpha\delta)(c + m)}{\alpha^2\rho h} \right\}$$

The government again uses the smallest fine necessary, which in this case is zero, $F = 0$. Government commitment along with the satisfied IC constraints guarantee that one of the Second Best equilibria will prevail in equilibrium. Finally, the government never implements Best Response Pair 3. It is welfare dominated by Second Best equilibria, which are always implementable. ■

Proof. [Proof of Corollary (9)] Follows from the proof of Proposition (2) and observing that

$$F' < F^*$$

as

$$\begin{aligned} 2k \frac{(1 - \alpha - \delta + 2\alpha\delta) c + m}{\alpha\delta\rho h} & < 2k(\alpha + \delta - 2\alpha\delta) \frac{(1 - \alpha - \delta + 2\alpha\delta) c + m}{\alpha^2\delta(1 - \delta)\rho h} \\ \alpha(1 - \delta) & < (\alpha + \delta - 2\alpha\delta) = \alpha(1 - \delta) + \delta(1 - \alpha) \end{aligned}$$

which implies that with $F \leq F'$ the government cannot implement the First Best equilibrium, thus it prefers to implement Second Best equilibria. ■

Proof. [Proof of Lemma (5)] The proof is lengthy and divided into four parts. First, by Lemma (7), if fines are higher than F^{**} , then the First Best equilibrium is not implementable.

Second, notice that if inequality (8) holds and fines are higher than F^{**} , then the Second Best equilibria cannot prevail either. The necessary fine level for the Second Best equilibria is F' derived in equation (9) which is lower than F^* by the proof of Corollary (9). Furthermore, inequality (8) implies that $F^* \leq F^{**}$, which means, by induction, that $F' < F^* \leq F^{**}$. Thus, with $F \geq F^{**}$, Second Best equilibria are not implementable.

Third, with fines $F \geq F^{**}$, only the Third Best equilibria can be implemented. By proof of Proposition (2), the following incentive compatibility constraints are necessary:

$$\begin{aligned} IC_1 & \quad \Pi(M = 1, T = 0, I_0 \in [0, 1], I_1 = I^{**}) \leq \Pi(M = 1, T = 1, I_0 \in [0, 1], I_1 = I^{**}) \\ IC_2 & \quad \Pi(M = 0, T \in \{0, 1\}, I_0 \in [0, 1], I_1 = I^{**}) \leq \Pi(M = 1, T = 1, I_0 \in [0, 1], I_1 = I^{**}) \end{aligned}$$

Starting with IC_1 :

$$\begin{aligned} -(1 - p_1) q_{01} I_0 F - p_1 c - m & \leq -c - m \\ \frac{(1 - p_1) c}{(\alpha - (1 - p_1) q_{01}) I_0} & = \frac{(\alpha + \delta - 2\alpha\delta) c}{\alpha\delta I_0} \leq F \end{aligned}$$

Then IC_2 :

$$\begin{aligned} \lambda g - \alpha I_0 F & \leq \lambda g - c - m \\ \frac{c + m}{\alpha I_0} & \leq F \end{aligned}$$

Thus, Third Best equilibria are implementable with fines such that:¹⁹

$$F(I_0) \geq \max \left\{ \frac{(\alpha + \delta - 2\alpha\delta) c}{\alpha\delta I_0}, \frac{c + m}{\alpha I_0} \right\}$$

$F(I_0)$ can be smaller than F^{**} with some $I_0 \in (0, 1]$. First consider:

$$\begin{aligned} \frac{(\alpha + \delta - 2\alpha\delta) c}{\alpha\delta I_0} & \leq \frac{c}{q_{01} I_0^*} = F^{**} \\ \frac{1 - \delta}{\delta} I_0^* & \leq I_0 \end{aligned}$$

and notice that both I_0^* and $\frac{1-\delta}{\delta}$ are smaller than one, by Proposition (5) and the $1/2 < \delta < 1$ assumption respectively. Second:

$$\begin{aligned} \frac{c + m}{\alpha I_0} & \leq \frac{c}{q_{01} I_0^*} = F^{**} \\ \frac{q_{01}}{\alpha} \left(I_0^* + \frac{m}{c} \right) & \leq I_0 \end{aligned}$$

because by inequality (8)

$$\frac{1 - \delta}{\alpha + \delta - 2\alpha\delta} \left(I_0^* + \frac{m}{c} \right) \leq \frac{1 - \delta}{\alpha + \delta - 2\alpha\delta} \left(I_0^* + \frac{(1 - \alpha)(2\delta - 1)}{(1 - \delta)} \right) < 1$$

¹⁹Notice that the state can freely set I_0 because there is no reporting in equilibrium.

and the inequality follows from $I_0^* < 1$. In sum, if inequality (8) holds, the third best is implemented with no reporting investigation such that

$$I_0 \geq I'_0(F) \equiv \max \left\{ \frac{(\alpha + \delta - 2\alpha\delta)c}{\alpha\delta F}, \frac{c+m}{\alpha F} \right\} < 1$$

where $I'_0(F) \leq 1$ with $F \geq F^{**}$.

Finally, it is shown that Third Best equilibria cannot be implemented with fines $F < F^*$. To see this, consider the necessary fines for the third best:

$$F(I_0) \geq \max \left\{ \frac{(\alpha + \delta - 2\alpha\delta)c}{\alpha\delta I_0}, \frac{c+m}{\alpha I_0} \right\} \geq \frac{c+m}{\alpha}$$

Consequently, it suffices to show that

$$\frac{c+m}{\alpha} > \frac{(1 - \alpha - \delta + 2\alpha\delta)c + m}{\alpha\delta I_0^*} = F^*$$

which is equivalent to:

$$c \geq \frac{(1 - \delta I_0^*)}{\delta I_0^* - (1 - \alpha - \delta + 2\alpha\delta)} m \quad (22)$$

Rearranging is possible, because

$$\delta I_0^* - (1 - \alpha - \delta + 2\alpha\delta) > 0 \quad (23)$$

to see that (23) holds:

$$\begin{aligned} \delta I_0^* &> (1 - \alpha - \delta + 2\alpha\delta) \\ \frac{\alpha\delta(1 - \delta)\rho h}{(\alpha + \delta - 2\alpha\delta)(1 - \alpha - \delta + 2\alpha\delta)} &> k \end{aligned}$$

This latter statement follows from the assumption stated in equation (2):

$$k \frac{(1 - \delta)}{(\alpha + \delta - 2\alpha\delta)} > \frac{\alpha\delta(1 - \delta)\rho h}{(\alpha + \delta - 2\alpha\delta)(1 - \alpha - \delta + 2\alpha\delta)}$$

and observing that

$$\frac{(1 - \delta)}{(\alpha + \delta - 2\alpha\delta)} k > k$$

which trivially follows from $1 - \alpha > \alpha$.

Now, turning back to (22) - note that by equation (8):

$$c \geq \frac{(1 - \delta)}{(1 - \alpha)(2\delta - 1)} m$$

So, it suffices to show that (8) implies (22). To show this, first notice that the right hand side of

(22) is decreasing in I_0^* :

$$\frac{\partial}{\partial I_0^*} \frac{(1 - \delta I_0^*)}{\delta I_0^* - (1 - \alpha - \delta + 2\alpha\delta)} = \frac{-\delta^2(\alpha + \delta - 2\alpha\delta)}{[\delta I_0^* - (1 - \alpha - \delta + 2\alpha\delta)]^2} < 0$$

Consequently, it is enough to show that (8) implies (22) for $I_0^* = 1$, because it is implied then for all the other I_0^* . To see this, consider:

$$\frac{(1 - \delta)}{\delta - (1 - \alpha - \delta + 2\alpha\delta)} = \frac{(1 - \delta)}{(1 - \alpha)(2\delta - 1)} < 1$$

Thus, with $I_0^* = 1$, (8) and (22) are equivalent, and with any other I_0^* , (8) implies (22), which finishes the proof as $I_0^* < 1$ by the proof of Proposition (5). ■

Proof. [Proof of Lemma (6)] In the Second Best and Third Best equilibria, the expected prosecution rate is trivially:

$$\chi^{**} = \alpha I^{**} = \frac{\alpha^2 \rho h}{2k}$$

In the First Best, from equation (20):

$$\begin{aligned} \chi^* &= (1 - p_1) q_{01} I_0^* + p_1 q_{11} I_1^* \\ &= \alpha(1 - \delta) I_0^* + \alpha \delta I_1^* \\ &= \left(\frac{(1 - \delta)^2}{\alpha + \delta - 2\alpha\delta} + \frac{\delta^2}{1 - \alpha - \delta + 2\alpha\delta} \right) \frac{\alpha^2 \rho h}{2k} \end{aligned}$$

To see that $\chi^* > \chi^{**}$, consider the following. First, the statement is equivalent to:

$$1 < \frac{(1 - \delta)^2}{\alpha + \delta - 2\alpha\delta} + \frac{\delta^2}{1 - \alpha - \delta + 2\alpha\delta} \quad (24)$$

Notice further that, with $\alpha = 1/2$, the inequality can be written as

$$0 < 1/2 + 2\delta(1 - \delta) \quad (25)$$

and it always holds when $\alpha = 1/2$.

Now, differentiate the right hand side of (24) with respect to α :

$$\frac{\partial}{\partial \alpha} \left(\frac{(1 - \delta)^2}{\alpha + \delta - 2\alpha\delta} + \frac{\delta^2}{1 - \alpha - \delta + 2\alpha\delta} \right) = (1 - 2\delta) \left[\frac{\delta}{p_1} - \frac{1 - \delta}{1 - p_1} \right] \left[\frac{\delta}{p_1} + \frac{1 - \delta}{1 - p_1} \right] < 0 \quad (26)$$

because

$$\begin{aligned} p_1 &= 1 - \alpha - \delta + 2\alpha\delta \\ (1 - 2\delta) &< 0 \\ \left[\frac{\delta}{p_1} + \frac{1 - \delta}{1 - p_1} \right] &> 0 \end{aligned}$$

The first two statements are obvious. For the third, consider that it is equivalent to

$$\delta + p_1 > 0$$

which can be written as

$$\delta + 1 - \alpha - \delta + 2\alpha\delta > 0$$

Simplifying yields

$$2\delta(1 - \alpha) > (1 - \alpha)$$

which always holds because $\delta > 1/2$.

Thus, by the negativity of derivative (26), inequality (24) holds with $\forall \alpha \in (0, 1/2)$. ■

REFERENCE

- The 9/11 Commission Report (2004) by the National Commission on Terrorist Attacks, US Government Printing Office, Washington D.C.
- American Banker (2005a) Too many SARs? Not according to the FBI, by Micheal Heller, May 31, p1
- American Banker (2005b) Senators: Agency Overreacted, by Damian Paletta, July 14, p6
- Aninat, E., D. Hardy, and B. R. Johnston (2002) Combating money laundering and the financing of terrorism, Finance and Development, vol. 39, no. 3; September: pp. 44-47.
- Becker G. (1968) Crime and Punishment: An Economic Approach, Journal of Political Economy, 76. (March/April) pp 169--217
- Blunden, B. (2001) The Money Launderers: How They Do It, and How to Catch Them at It, Chalford, England: Management Books
- Camdessus, M (1998) Speech to the Financial Action Task Force, Paris
- Economic Perspectives (2001) The Fight against Money Laundering, US Department of State, Vol. 6. No 2, May 2001, Electronic Journal
- Economist (2005a) Financing Terrorism - Controversial Customers, January 18, p64
_____ (2005b) Pointless efforts against terror finance, October 22, p15 and pp73-75
- El-Qorchi, M. (2002) Hawala, Finance and Development, December, Vol. 39, No. 4
- FATF report (2005) Financial Action Task Force - Money Laundering and Terrorist Financing Typologies 2004-2005, June 10, <http://www.fatf-gafi.org/dataoecd/16/8/35003256.pdf>
- FBI (2001) Money Laundering, FBI Law Enforcement Bulletin, by William R. Schroeder, May, Vol 70, No 5, pp. 1-9.
- FinCEN (2004a) \$25 Million Civil Money Penalty Against Riggs Bank N.A., May 13, <http://www.fincen.gov/riggs6.pdf>
_____ (2004b) In the Matter of AmSouth Bank, October 12
<http://www.fincen.gov/amsouthassessmentcivilmoney.pdf>
_____ (2005a) Joint Statement on Providing Banking Service to Money Services Businesses, March 30, <http://www.fincen.gov/bsamsbrevisedstatement.pdf>
_____ (2005b) The SAR Activity Review, Trends, Tips and Issues, #8, April
<http://www.fincen.gov/sarreviewissue8.pdf>

- _____ (2005c) Statement of William J. Fox, Director, before the United States Senate Committee on Banking, Housing and Urban Affairs, April 26, <http://www.fincen.gov/foxtestimony042605.pdf>
- _____ (2005d) Joint News Release Announcing the Guidance and Advisory Issued on Banking Services for Money Services Businesses Operating in the United States, April 26, <http://www.fincen.gov/nr04262005.pdf>
- _____ (2005e) FinCEN's 314(a) Fact Sheet, June 08, <http://www.fincen.gov/314afactsheet.pdf>
- _____ (2005f) FinCEN and OCC (Office of the Comptroller of Currency) Joint Release, August 17, <http://www.fincen.gov/pressrelease08172005.pdf>
- _____ (2005g) FinCEN Joint Release (with Board of Governors of the Federal Reserve System, Office of Foreign Assets Control, New York State Banking Department, Illinois Department of Financial and Professional Regulation), December 19, <http://www.fincen.gov/abnamro.pdf>
- _____ (2006) The SAR Activity Review, by the numbers, Issue 7, November 2006 http://fincen.gov/sar_review_by_the_numbers_issue7.pdf
- Freeman, S. (1996) The Payment System, Liquidity and Rediscounting, *American Economic Review*, 86, pp. 1126-38.
- Garicano, L. and R. A. Posner (2005), Intelligence Failures: An Organizational Economics Perspective, *Journal of Economic Perspectives*, vol. 19(4), pages 151-170, Fall.
- GAO (2004) US General Accounting Office: Anti-Money Laundering: Issues Concerning Depository Institution Regulatory Oversight, GAO-04-833T, June 3, <http://www.gao.gov/new.items/d04833t.pdf>
- Gordon, N. J. (2005) The Rise of Independent Directors, 1950-2000: Towards a New Corporate Governance Paradigm, mimeo, Columbia Law School
- Grossman, S. J. (1981) The Role of Warranties and Private Disclosure about Product Quality, *Journal of Law and Economics*, 24, pp. 461-483.
- Grossman, S. J. and O. D. Hart (1980) Disclosure Laws and Takeover Bids, *Journal of Finance*, 35, pp. 323-334.
- Holmström, B. and P. Milgrom (1991) Multitask Principal-Agent Analyses: Incentive Contracts, Asset Ownership, and Job Design, *Journal of Law, Economics, and Organization*, Spec. Issue, 7, pp. 24-52.
- Kofman, F. and J. Lawarrée (1993) Collusion in Hierarchical Agency, *Econometrica*, 61, pp. 629-56.

- La Porta R., F. Lopez-de-Silanes and A. Schleifer (2006) What Works in Securities Laws?, *Journal of Finance*, February, Vol. 61 Issue 1, pp 1-31.
- Lal, B. (2003) *Money Laundering: An Insight into the Dark World of Financial Frauds*, Siddharth Publications, Delhi, India
- Lilley, P. (2000) *Dirty Dealing: The Untold Truth About Global Money Laundering*, London: Kogan Page
- Looney, R. (2003) Hawala: The Terrorist's Informal Financial Mechanism, *Middle East Policy*, vol. 10, no. 1; Spring: pp. 164-167.
- Money Laundering Special Report (2003) Bureau of Justice Statistics, compiled by M. Motivans, July 2003, NCJ 199574
- Masciandaro, D. (1999) Money Laundering: The Economics of Regulation, *European Journal of Law and Economics*, 7, no. 3: 225-240.
- _____ eds. (2004) *Global Financial Crime, Terrorism, Money Laundering and Offshore Centres*, ISPI, Ashgate, Burlington, VT, USA
- _____, and U. Filotti (2001) Money Laundering Regulation and Bank Compliance Costs: What do your Customers Know? Economics and the Italian Experience, *Journal of Money Laundering Control*, Vol. 5, No. 2, pp. 133-145
- _____, and A. Portolano (2002) *Inside the Black (list) Box: Money Laundering, Lax Financial Regulation, Non-cooperative Countries. A Law and Economics Approach*. Paulo Baffi Center, Bocconi University and Bank of Italy
- Milgrom, P. (1981) Good News and Bad News: Representation Theorems and Applications, *Bell Journal of Economics*, 12, pp. 380-391.
- Napoleoni, L. (2005) *Terror Incorporated: Tracing the Dollars behind the Terror Networks*, New York: Seven Stories Press
- New York Times (2005) Arab Bank of Jordan to Close Branch in New York, February 9
- _____ (2006) Spy Agency Data After Sept. 11 Led F.B.I. to Dead Ends, Jan. 17
- OCC (2005) Memorandum, Subject: Bank Secrecy Act, From: Wayne Rushton, Tim Long, and Doug Roeder, Committee on Bank Supervision, April 25
- Prendergast, C. (1993) A Theory of "Yes Men", *American Economic Review*, Vol. 83., No.4, September, pp. 757-770
- _____, and L. Stole (1996) Impetuous Youngsters and Jaded Old-Timers: Acquiring a Reputation for Learning, *Journal of Political Economy*, Vol. 104, no. 6, pp. 1105-1134.

- Reuter, P. and E. M. Truman (2004) *Chasing Dirty Money -- The Fight against Money Laundering*, Institute for International Economics, Washington DC
- Savla, S. (2001) *Money Laundering and Financial Intermediaries*, The Hague and Boston: Kluwer Law International
- Schneider, F. (2002) *The Size and Development of the Shadow Economies of 22 Transition and 21 OECD Countries*, IZA Discussion Paper, No. 514
- Shavell, S. (2004) *Foundations of Economic Analysis of Law*, Harvard University Press
- Stein J. (2002) *Information Production and Capital Allocation: Decentralized versus Hierarchical Firms*, *Journal of Finance*, Vol. LVII, No.5 October, pp 1891-1922
- Tanzi, V. (1996) *Money Laundering and the International Financial System*, IMF Working Paper No. 55, Washington: International Monetary Fund
- Tirole, J. (1986) *Hierarchies and Bureaucracies: On the Role of Collusion in Organizations*, *Journal of Law, Economics and Organization*, 2, pp. 181-214
- United Nations Office on Drugs and Crime (2005) *Money Laundering*
http://www.unodc.org/unodc/en/money_laundering.html
- US Attorneys' Manual (2005) http://www.usdoj.gov/usao/eousa/foia_reading_room/usam/
- Wall Street Journal (2004a) *Bob Dole Goes Banking -- and Trips the Alarm*, Sept. 3, C1
- _____ (2004b) *Expanding in an Age of Terror, Western Union Faces Scrutiny*, October 20, A1
- _____ (2005a) *How Top Dutch Bank Plunged into World of Shadowy Money*, December 30, A1
- _____ (2005b) *US Banks Overreport Data for the Patriot Act*, July 07, C1
- Verrecchia R. E. (1983) *Discretionary Disclosure*, *Journal of Accounting and Economics*, 5, pp. 365-380.
- _____ (2001) *Essays on Disclosure*, *Journal of Accounting and Economics*, 32, pp. 97-180.